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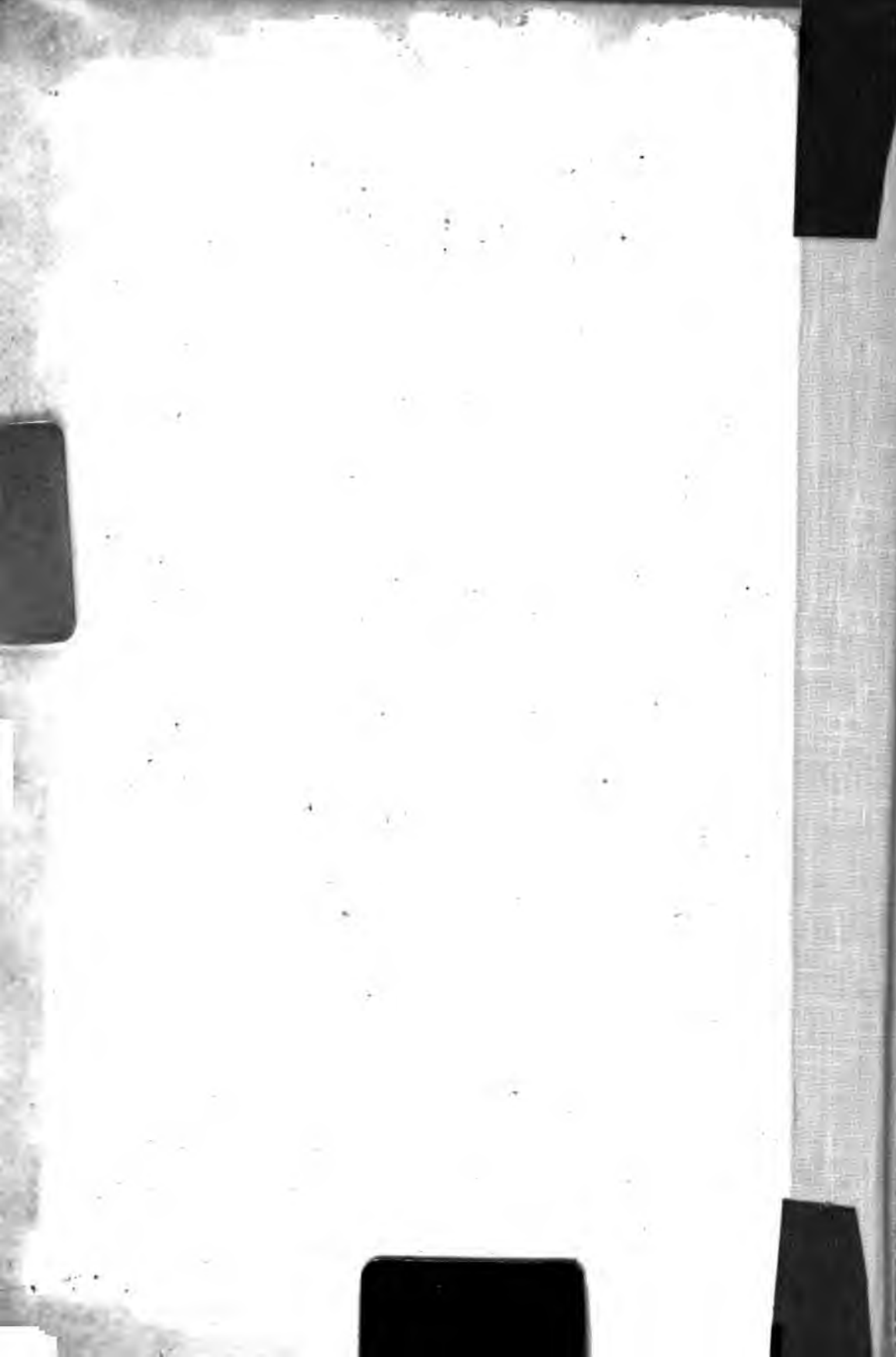
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THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

THOMAS COOPER, M. D.—L. L. D.



VOLUME FOURTH,
CONTAINING THE ACTS FROM 1752, EXCLUSIVE, TO 1786, INCLUSIVE.
ARRANGED CHRONOLOGICALLY.



COLUMBIA, S. C.
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IN NAMED, TO IMPORT INTO THIS PROVINCE, FROM THE NORTHERN OR OTHER COLONIES, A QUANTITY OF INDIAN CORN NOT EXCEEDING FIFTY THOUSAND BUSHELS, FOR THE USE AND CONSUMPTION OF THE INHABITANTS, BY BORROWING THE SUM OF TWO THOUSAND FIVE HUNDRED AND THIRTEEN POUNDS AND FOURTEEN SHILLINGS, NOW LYING IN THE HANDS OF THE POWDER RECEIVER, AND THE MONIES IN THE PUBLIC TREASURY APPROPRIATED TO THE USE OF THE FORTIFICATIONS, AND FOR REPLACING THE SAME IN THE MANNER THEREIN APPOINTED.

FORASMUCH as the drought of last summer and late dreadful hurricane, have caused so great a scarcity of Indian corn that it is become absolutely necessary to procure a supply for the subsistence of the inhabitants of this Province; and forasmuch as such supply cannot be had without ready money, which this Government cannot in time provide without borrowing the same from the funds hereinafter mentioned; we therefore humbly pray his most sacred Majesty that it may be ordained, Preamble.

I. *And be it ordained*, by his Excellency James Glen, Esq. Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That Colonel Robert Brewton, the powder receiver of this Province, shall pay the sum of two thousand five hundred and thirteen pounds and fourteen shillings, now in his hands, arising by the sale of gunpowder out of the public store in the magazine, by a resolution of the General Assembly, and that the public treasurer of this Province shall pay the balance which was in the fund appropriated to the use of the fortifications on the twenty-ninth day of September last, into the hands of Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, Esquires, whenever the said powder receiver and public treasurer, or either of them, shall be thereunto required by the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, or any four or more of them, in order to enable them to import into this Province a quantity of Indian corn, not exceeding fifty thousand bushels, for the use and consumption of the inhabitants of this Province, in manner hereinafter directed and appointed. The powder receiver and public treasurer to advance monies to commissioners herein named to enable them to import 50,000 bushels of corn.

II. *And be it further ordained* by the authority aforesaid, That they, the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, or any four or more of them, shall have power, and they are hereby fully empowered and authorized, to hire a vessel or vessels, such as they or any four of them shall judge convenient for the purpose, and immediately to dispatch the same to such of the Northern or other colonies as they shall think proper, for a supply of The commissioners may hire and dispatch vessels.

A. D. 1753.

To be paid for
in bills payable
in London.

Indian corn, and also to give directions to their correspondents in any of the said Colonies to purchase upon the credit of bills of exchange payable in London, a certain quantity of Indian corn, to freight back the said vessel or vessels; and to procure as much more corn as will make up in the whole a quantity not exceeding fifty thousand bushels; and that they, the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, or any four or more of them, do direct their said correspondents to hire as many convenient vessels as may serve to bring hither the remainder of the corn that shall be purchased agreeable to their directions; provided always, that the said vessels with the said corn be despatched from the said Colonies for the port of Charles-town, at any time on or before the first day of June next ensuing, and as much sooner as possible, but not after.

Commissioners
may hire stores
and sell the
corn to the
poor, not
exceeding two
bushels per
head.

Persons apply-
ing to make
oath that the
corn is intend-
ed for the use
of their own
family.

III. *And be it also ordained* by the authority aforesaid, That when the said corn or any part thereof shall be imported, they, the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, or any four or more of them, shall have power to hire stores for putting the said corn in, if needful, and to sell to the inhabitants of this Province, giving preference to the poor, any quantity of the said corn, not exceeding two bushels per head to each person in a family, until the first day of July next ensuing; the person applying for the said corn first making oath before either of the persons above named, who are hereby empowered to administer the same, or before any justice of the peace, that the said corn is for the use and consumption of his or her own family, and not for sale or any other use; and the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, or any four or more of them, shall have power to employ a store-keeper to keep account, take charge of and measure and deliver out the said corn agreeable to their directions.

The corn im-
ported not to be
sold higher
than will pay
prime cost and
charges.

IV. *And be it also ordained* by the authority aforesaid, That the said corn shall be sold to the inhabitants of this Province in manner aforesaid, at no higher price than will defray the prime cost and all charges; and in case it should so happen that corn should be at a low price and the said persons cannot dispose of such corn as shall be imported by virtue of this Ordinance for so much as will defray the expence of importing the same, then the said persons, or any four or more of them, shall and may dispose of the corn by them imported in the best manner they can, according to their discretion.

The monies
arising from
the sale to be
applied to re-
imburse the
purchasing
commissioners,
to replace the
advances of the
powder receiver
and public
treasurer.

V. *And be it further ordained* by the authority aforesaid, That the monies arising by the sale of the said corn to the inhabitants of this Province, shall be and is hereby applied to reimburse the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, in all such sum and sums of money as they or any of them shall or may be in advance on account of the importation of the said corn, and to replace the said sum in the hands of the powder receiver, and the monies in the public treasury appropriated to the use of the fortifications, which the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart are hereby enjoined and required to pay over to the said powder receiver and public treasurer accordingly.

Any deficiency
to be supplied
by a tax here-
after to be laid.

VI. But in case of any loss that may be sustained in sending for the said corn, or in case the monies arising from the sale of the corn so to be imported, shall not prove sufficient to reimburse the said Andrew Rutledge, Thomas Smith, Gabriel Manigault, John Savage, Robert Pringle, Paul Trapier and John Dart, all such sum and sums of money as shall be

advanced by them, and to replace the said sum in the hands of the powder receiver, and the monies borrowed from the fortification fund, then *It is hereby ordained*, That the deficiency, whatever it may be, shall be raised by a tax on the inhabitants of this Province in the same manner and proportion as the annual charges of this Government are borne and defrayed, and shall be provided for by the first Act that shall be passed for defraying the charges of this Government after such deficiency shall be made appear.

A. D. 1753.

In the Upper House of Assembly, the 5th day of March, 1753.

Concurred to: JAMES KINLOCH.

In the House of Assembly, the 5th day of March, 1753.

By order of the House.

JAMES MICHIE, Speaker.

In the Council Chamber, the 5th day of March, 1753.

Assented to: JAMES GLEN.

AN ACT TO IMPOWER THE COMMISSIONERS WHO WERE APPOINTED FOR BUILDING A CHURCH IN THE PARISH OF PRINCE WILLIAM, IN GRANVILLE COUNTY, AND THE COMMISSIONERS WHO WERE APPOINTED FOR BUILDING A CHURCH IN GEORGETOWN, AND THE COMMISSIONERS WHO WERE APPOINTED FOR BUILDING A CHAPEL OF EASE IN THE PARISH OF ST. JAMES SANTEE, IN CRAVEN COUNTY, TO ERECT AND SET UP PEWS IN THE SAME, AND TO DISPOSE OF THE SAID PEWS, TO ENABLE THEM TO RAISE MONEY FOR THE FINISHING OF THE SAID CHURCHES AND CHAPEL RESPECTIVELY. No. 811.

WHEREAS, the commissioners who were appointed for building a church in the parish of Prince William, in Granville county, by their petition to the General Assembly have set forth, that pursuant to the power given them for building the said church, they had almost finished the same, but the sums given by the General Assembly, and subscribed and paid by private persons, were not sufficient to defray the expense thereof; that in the Act for building the said church, no power is given to the commissioners for erecting and setting up pews, and for disposing of them, which the petitioners conceive if they were impowered to do, they would thereby be enabled to raise a further sum toward finishing the same, and praying that a law may be made for those purposes; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the commissioners for building a church in the parish of Prince William, in Granville county, or a majority of them, shall have power and authority, and they are hereby fully impowered and authorized, to erect and set up pews in the said church, in such manner as they shall think fit, and to dispose of and convey to any persons, and their heirs and assigns forever, by an instrument of writing to be drawn up and executed for that purpose, the said pews, in the manner following, (that is to say) the persons who shall have contributed most

The commissioners impowered to set up pews in the church and dispose of the same in fee simple.

STATUTES AT LARGE

A. D. 1753.

The largest contributor to have the first choice of a pew.

Commissioners of Georgetown and Echaw, may erect pews and dispose of them as above.

Pew money to be laid out on the church.

toward the building of the said church, shall be entitled to and have the first choice of the pews in the same ; provided that the moneys contributed which shall entitle any subscriber to the choice of a pew, shall not make in the whole less than the sum of seventy pounds currency ; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice.

II. *And be it further enacted* by the authority aforesaid, That the commissioners for building the church in Georgetown, or a majority of them, and the commissioners for building a chapel of ease at Echaw, in the parish of St. James Santee, in Craven county, to which board of commissioners Edward Jermain is hereby added and appointed, or a majority of them, shall have power and authority, and they are hereby fully authorized and empowered, to erect and set up pews in the said church and chapel respectively, and to dispose of and convey the said pews to any persons, their heirs and assigns forever, in like manner as the commissioners for building the church in Prince William's parish are empowered to do ; which last mentioned commissioners are directed and required to give preference in the choice of the said pews to those persons who shall have estates in the said parish, and have contributed most toward the building of the said church or chapel.

III. *And be it further enacted* by the authority aforesaid, That the moneys which shall be received by the said several sets of commissioners for the disposal of the said pews, shall be by them, or a majority of them, applied for and toward the defraying the expence of building, finishing and adorning the said churches and the said chapel of ease respectively, and to no other use or purpose whatever.

JAMES MICHIE, *Speaker*.

In the Council Chamber, the 21st. day of April, 1753.

Assented to : JAMES GLEN.

- No. 812. AN ACT for making Black river navigable, from the Western boundary of the Township of Williamsburgh, down to the tide way, as far as the place commonly called the Narrows.

(Passed 21st April, 1753. *See last volume.*)

- No. 813. AN ACT for appointing and empowering Commissioners to make the Wateree river navigable, and for laying out and making a road from the Upper Settlements near the Catawba nation, on the North-east side of the said Wateree river, to the place on Santee river commonly called Beard's Ferry, and from thence to the road leading from the Congrees to Charlestown.

(Passed 21st April, 1753. *See last volume.*)

A. D. 1753.

AN ACT to exempt the Inhabitants of the lower district of the parish of St. James Santee, in Craven county, from working on or contributing towards any repairs to be made to the road or causey leading over Lynch's Island. No. 814.

(Passed 21st April, 1753. *See last volume.*)

AN ACT for appointing Commissioners to build a Bridge over the pond in the Four Holes Swamp, commonly called Gibbes's pond, and to lay out, make and keep in repair, a road to and from the said bridge, as convenient as may be, into the Orangeburgh old road, from the head of the path leading from Dorchester to Izard's Cow-pen. No. 815.

(Passed 21st April, 1753. *See last volume.*)

AN ACT to continue an Act entitled "an Act for the better regulating the Militia of this Province, and for repealing the former Acts for regulating the Militia, and for repealing an Act for the further security and better defence of this Province." No. 816.

(Passed 21st April, 1753. *See last volume.*)

AN ACT FOR SECURING THE PAYMENT OF THE SUM OF TWO THOUSAND AND FIVE HUNDRED POUNDS TO THE HONORABLE HECTOR BERINGER DE BEAUFAIN, ESQ., AND THE SUM OF THREE THOUSAND AND FIVE HUNDRED POUNDS TO GABRIEL MANIGALT, ESQ., THEIR RESPECTIVE EXECUTORS, ADMINISTRATORS OR ASSIGNS, WITH INTEREST, AT THE RATE OF SIX PER CENTUM PER ANNUM, OUT OF THE FUND APPROPRIATED TO THE USE OF POOR PROTESTANTS COMING FROM EUROPE TO SETTLE IN THIS PROVINCE, THE SAID SUMS HAVING BEEN LENT BY THEM TO SUPPLY THE DEFICIENCY IN THE SAID FUND. No. 817.

WHEREAS, by reason of the great number of foreign Protestants who have lately arrived from Europe to settle in this Province, the fund which was appropriated as a bounty for settling the said Protestants was anticipated, and many of the said Protestants were detained in Charles-town for want of money in the said fund to pay them the said bounty; and whereas, the Honourable Hector Beringer De Beaufain, Esq. lent the sum of two thousand and five hundred pounds, and Gabriel Manigault, Esq. the sum of three thousand and five hundred pounds, for the use of the said poor Protestants, upon a resolution of the General Assembly to pass an Act for securing the payment of the same, with interest, out of the fund aforesaid; we therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

A. D. 1753.

No money to be paid under the Act of June 14, 1747, to poor Protestant settlers, till the above named persons are paid the sums they advanced, with 6 per cent. interest.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the public treasurer of this Province for the time being, shall not, on any account or pretence whatever, issue or pay any sum or sums of money to any person or persons whoever out of the fund appropriated as a bounty to poor Protestants coming from Europe to settle in this Province, by an Act of the General Assembly, passed the fourteenth day of June, in the twenty-first year of his present Majesty's reign, commonly called the general duty law, until there shall be a sum sufficient in the said fund to satisfy and pay the said Hector Beringer De Beaufain, his executors, administrators or assigns, the said sum of two thousand and five hundred pounds, and one year's interest, at six per centum per annum, and the said Gabriel Manigault, his executors, administrators or assigns, the said sum of three thousand and five hundred pounds, with one year's interest, as aforesaid; any thing contained in the said Act or any other Act or Acts of the General Assembly of this Province to the contrary thereof in any wise notwithstanding.

II. *Provided always nevertheless, and be it also enacted* by the authority aforesaid, That the said public treasurer shall be, and he is hereby obliged, enjoined and required, at the end of one year from the time the sums were respectively lent, to pay the said Hector Beringer De Beaufain, his executors, administrators or assigns, the said sum of two thousand and five hundred pounds, and the said Gabriel Manigault, his executors, administrators or assigns, the said sum of three thousand and five hundred pounds, with interest as aforesaid.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 21st day of April, 1753.

Assented to :

JAMES GLEN.

- No. 818. AN ACT for raising and granting to his Majesty the sum of Forty-three Thousand one Hundred and two Pounds two shillings and six pence three farthings, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-two, Old Style, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-three, New Style, exclusive.

[NOTE.—The imperfection of the Julian computation of the annual calendar, occasioned the Gregorian calendar to be adopted in many parts of Europe. In England it was not adopted till the year 1752, when the error required the intercalation of eleven days. Accordingly, by an Act of Parliament of that year, the 3d of September was made the 14th; and the year, which heretofore was reckoned as commencing in March, was ordered to commence the 1st day of January. The difference between old and new style is therefore eleven days. The body of this Act is not inserted, not varying essentially from the Acts of Assembly making annual grants and appropriations, several of which have been already inserted.]

No. 819.

AN ACT for incorporating the Charlestown Library Society.

(Passed May 8, 1754. See last volume.)

A. D. 1754.


AN ACT for repealing such parts of an Act entitled "An Act to cut and sink drains and passages into the north and west branches of Stono river," as relate to the west branch of Stono river, and to empower the commissioners therein named to cut and sink drains and water passages into the said west branch of Stono river, and to cut or sink a drain or water passage in the swamp called Basford's swamp, in the parish of St. Bartholomew. No. 820.

(Passed May 8, 1754. *See last volume.*)

AN ACT for building a Draw-bridge across Ashley river, in the parish of St. Andrew, from some place at or near Stoney Point, on the east side of the marsh opposite to the said Point, on the west side of the said river, and for making a Causey upon the said marsh, leading to the said bridge, and for making a road to the said bridge and causey, and for vesting the said bridge, when built, in such person and persons, his and their heirs and assigns, forever, as shall be at the expence of building the said bridge and making the said causey, and keeping the same at all times hereafter in repair. No. 821.

(Passed May 8, 1754. *See last volume.*)

AN ACT to prevent the inveigling, stealing, and carrying away Negroes and other Slaves in this Province, and to prevent the carrying away of Schooners and Pettiaugers, and also for repealing so much of an Act entitled "An Act for the better ordering and governing Negroes and other Slaves in this Province," as relates to the time within which offenders that are apprehended shall be tried, and giving the Justices and Freeholders a power to postpone the trial of such offenders. No. 822.

(Passed May 11, 1754. *See last volume.*)

AN ACT for ascertaining the district for cutting, cleansing and keeping in repair the Creek or Cut commonly called the Hawl-over. No. 823.

(Passed May 11, 1754. *See last volume.*)

A. D. 1754.

No. 824. **AN ACT** TO DIVIDE THE PARISH OF ST. JAMES SANTEE, IN CRAVEN COUNTY, AND FOR ESTABLISHING ANOTHER PARISH IN THE SAID COUNTY, BY THE NAME OF THE PARISH OF ST. STEPHEN, AND APPOINTING THE CHAPEL OF EASE IN THE SAID PARISH OF ST. STEPHEN TO BE THE PARISH CHURCH, AND DECLARING THE CHAPEL OF EASE AT ECHAW, IN THE PARISH OF ST. JAMES SANTEE, TO BE THE PARISH CHURCH, AND FOR APPOINTING COMMISSIONERS TO ERECT A CHAPEL OF EASE NEAR WAMBAW BRIDGE, IN THE SAID PARISH OF ST. JAMES SANTEE, AND FOR ASCERTAINING THE NUMBER OF MEMBERS TO REPRESENT THE INHABITANTS OF THE SAID PARISHES RESPECTIVELY IN THE GENERAL ASSEMBLY OF THIS PROVINCE, AND FOR APPOINTING COMMISSIONERS FOR THE HIGH ROADS IN THE SAID PARISHES RESPECTIVELY.

Preamble. WHEREAS, the inhabitants of the parish of St. James Santee, in Craven county, by their petition to the General Assembly, have represented many inconveniencys which they labour under for want of having the said parish divided, and prayed that a law may be passed for that purpose; we therefore humbly pray his most sacred Majesty that it may be enacted,

Division of the parish of St. James Santee, in Craven county.

Parish of St. Stephen.

The chapel in St. Stephen declared to be the parish church.

Commissioners nominated for erecting a chapel of ease.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, the parish of St. James Santee, in Craven county, shall be divided into two parishes, in the following manner, that is to say: the broad road leading from Strawberry to the ferry commonly known by the name of Skrine's ferry, where the parish line crosses the said road, and from thence along the present road leading to the said ferry, till the said road reaches a post with three notches in it, being the mark of a boundary between the plantation of John Gendron, Esq. and the plantation where the said Skrine's ferry was kept, as aforesaid, and from thence to continue the same course in a direct line to Santee river; and all the lands which are situate on the west side of the line hereby directed to be made shall be a distinct parish by itself, separate from the other part of the parish of St. James Santee, and shall hereafter be called and known by the name of the parish of St. Stephen; and the inhabitants of the said parish of St. Stephen shall and may have, hold and enjoy all the rights, privileges and immunitys that the inhabitants of any other parish doth or can have, hold or enjoy, by any law or laws of this Province.

II. *And be it further enacted* by the authority aforesaid, That the chapel within the district and limits of the said parish of St. Stephen, intended to be hereby separated from the parish of St. James Santee, shall forever hereafter be, and is hereby declared and appointed to be, the parish church of the said parish of St. Stephen.

III. *And be it further enacted* by the authority aforesaid, That Mr. Daniel Horry, Mr. John Mayrant, Mr. Tacitus Gaillard, Mr. John Gendron, jr. and Mr. Edward Jermain, or any three of them, shall be, and they are hereby appointed, commissioners for erecting a chapel of ease near Wambaw bridge, in the parish of St. James Santee; and they are hereby

impowered to take subscriptions, and to receive, gather, collect and sue for all such sum and sums of money as any pious and well disposed person shall give and contribute for building the said chapel. A. D. 1754.

IV. *And be it further enacted* by the authority aforesaid, That the chapel of ease at Echaw, in the said parish of St. James Santee, shall forever hereafter be, and is hereby declared to be, the parish church of St. James Santee; and the rector or minister of the said parish of St. James Santee for the time being, shall be and he is hereby obliged, enjoined and required to preach and perform divine service at the said church, and at the chapel of ease to be erected near Wambaw bridge, alternately. Chapel of ease at Echaw declared to be the parish church of St. James Santee.

V. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish of St. Stephen shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen; and shall have yearly paid him the sum of one hundred pounds proclamation money as a salary, out of the fund appropriated or to be appropriated for payment of the salaries of the clergy in this Province; and the public treasurer of this Province, for the time being, is hereby authorized, impowered and required to pay the same, under the like penaltys and forfeitures as for not paying the salaries due to the other rectors and ministers of the several other parishes in this Province; and the said rector or minister of the parish of St. Stephen shall have and enjoy all and every such privileges and advantages, and shall also be under such rules, laws and restrictions, as the rectors or ministers of the other parishes in this Province have and enjoy, or are subject and liable unto. The minister to be chosen in the usual manner, with a salary of £100, proclamation money.

VI. *And be it further enacted* by the authority aforesaid, That the expence of maintaining the poor at present upon the parish of St. James Santee shall be borne and defrayed equally by the inhabitants of both parishes, and that all such moneys as have been received by the vestry of St. James Santee, for parochial charges, as have not been already expended, be equally divided between the said parishes of St. James Santee and St. Stephen. The poor to be maintained at the equal expence of both parishes.

VII. And to prevent any disputes that may arise between the said parishes concerning their choosing of members to represent them in the General Assembly of this Province, *Be it enacted* by the authority aforesaid, That the inhabitants of the parish of St. James Santee, qualified by the Election Act, shall choose and send two members of Assembly, and the inhabitants of the said parish of St. Stephen shall choose and send one member of Assembly, and no more; any law, usage or custom to the contrary thereof in any wise notwithstanding: And that writs for the electing of members to serve in the General Assembly, for each of the said parishes, shall be issued in the same manner and at the same time as for the several other parishes in this Province, pursuant to the directions of the Act entitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing and being chosen members of the said House." The parish of St. James to send two members of Assembly, and the parish of St. Stephen one.

VIII. *And be it further enacted* by the authority aforesaid, That Daniel Horry, Theodora Gaillard, Alexander Chovine, Tacitus Gaillard, Edward Jermyn, John Mayrant, John Gendron, Jr., Thomas Hall and Peter Roberts, shall be, and they are hereby appointed, commissioners for the high roads in the said parish of St. James Santee; and that Rene Peyre, Charles Cantey, Samuel Peyre, John Palmer, Samuel Cordes, Peter Porcher and Isaac Porcher, shall be, and they are hereby appointed, commissioners for the high roads in the parish of St. Stephen; and the road which divides the said parishes, as aforesaid, shall be kept in repair by the inhab- Commissioners nominated for the high roads.

A.D. 1754.

Commissioners
dying or
removing.

itants of both parishes. And the said commissioners, for the said parishes respectively, shall have the same powers and authoritys for laying out, making and keeping in repair the roads in the said parishes, and shall be subject and liable to the like penaltys and forfeitures, as the commissioners for the high roads in the other parts of this Province have or are subject and liable unto, by the laws of this Province; and in case any of the commissioners appointed by this Act shall happen to die, depart this Province, or refuse to act, it shall and may be lawful for the remaining commissioners to nominate and appoint another commissioner or commissioners in the room of him or them so dying, departing this Province, or refusing to act; and the commissioner or commissioners so nominated and appointed shall have the same powers and authoritys, and be subject to the same penaltys and forfeitures, as the commissioners appointed by this Act.

JAMES MICHIE, *Speaker*.*In the Council Chamber, the 11th day of May, 1754.**Assented to :* JAMES GLEN.

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- No. 825. AN ACT appointing Commissioners for repairing and keeping in repair the bridge over Combee river, from the causey to the town of Radnor, and Commissioners for rebuilding and keeping in repair the bridge over Wappoo creek in the parish of St. Andrew, and declaring the said bridge and Hooper's bridge, in the said parish of St. Andrew, to be parish bridges, and for appointing Commissioners for the said bridge.

(Passed May 11, 1754. See last volume.)

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- No. 826. AN ACT FOR APPLYING THAT FIFTH PART OF THE TAX IMPOSED BY THE GENERAL DUTY LAW ON THE FIRST PURCHASERS OF NEGROES AND OTHER SLAVES IMPORTED, WHICH WAS APPLIED AS A BOUNTY TO BE GIVEN FOR THE BUILDING OF SHIPS AND AS AN ENCOURAGEMENT TO SHIP-WRIGHTS AND CAULKERS TO BECOME SETTLERS IN THIS PROVINCE, TO THE USES THEREIN MENTIONED; AND FOR BUILDING A PEST HOUSE AND ERECTING A BEACON; AND FOR APPOINTING AND IMPOWERING COMMISSIONERS TO EXECUTE THE SAME, AND TO PURCHASE A PIECE OF LAND CONVENIENT FOR THOSE PURPOSES, AND FOR PURCHASING A PIECE OF LAND IN CHARLESTOWN, AND FOR BUILDING ANOTHER POWDER MAGAZINE THEREON.

Preamble. WHEREAS, in and by an Act of the General Assembly of this Province, passed the fourteenth day of June, in the year of our Lord one thousand seven hundred and fifty-one, entitled "an Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned; and for granting to his Majesty a duty on liquors and other goods and merchandise for the uses therein mentioned; and for exempting the purchasers of negroes and other slaves imported, from payment of the tax, and the

liquors and other goods and merchandize, from the duties imposed by any former Act or Acts of the General Assembly of this Province," it is, among other things, enacted, that one-fifth part of the tax imposed by the said Act on the first purchasers of negroes and other slaves imported, shall be applied as a bounty to be given for the building of ships in this Province, and as an encouragement to ship-wrights and caulkers to become settlers in this Province, to be paid in such manner and proportion as should be directed and appointed by resolution or order of the General Assembly, or otherwise: And forasmuch as the appointing such bounty hath not answered the intention of the Legislature, as it hath not proved any encouragement, either to the building of ships, or for ship-wrights and caulkers to become settlers in this Province, no application having ever been made to the General Assembly for any part of the same; and as the applying of the said fifth part of the said tax to the uses hereinafter mentioned will be more beneficial to this Province, we humbly pray his most sacred Majesty that that it may be enacted,

A. D. 1754.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Assembly of the said Province, and by the authority of the same, That the sum of four thousand seven hundred and twenty-two pounds eight shillings and two pence, now in the public treasury, being part of the said fifth part of the said tax, shall be and is hereby appropriated and applied toward the payment of the expence of surveying and running out lands, and the passing of grants to such poor Protestants as have settled in this Province since the time of passing the above recited Act; and that the sum of one thousand and sixty-four pounds eleven shillings and eleven pence, being the residue of the said fifth part of the said tax which was in the public treasury on the twenty-ninth day of September last, shall be and is hereby appropriated and applied toward defraying the charges of this Government, from the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-three, to the twenty-fifth day of March, one thousand seven hundred and fifty-four; any thing contained in the said recited Act to the contrary thereof in any wise notwithstanding.

Appropriation of £4,722 8s. 2d. now in the public treasury, to the expence of surveys for the benefit of the poor Protestant settlers.

The residue, £1064 11s. 11d. appropriated to the expences of the government.

II. *And be it further enacted* by the authority aforesaid, That the annual income of the said fifth part of the said tax, to be computed from the said twenty-ninth day of September, one thousand seven hundred and fifty-three, shall hereafter be, and is hereby, appropriated and applied for the building of a pest house, and erecting a beacon or land mark, in the manner hereinafter directed and appointed, and for purchasing a piece of land convenient for those purposes, and to and for no other use, intent or purpose whatsoever; any thing in the said recited Act contained to the contrary thereof notwithstanding.

The annual income hereafter of the said fifth part of the tax to be applied to building a pest house and erecting a beacon.

III. *And be it further enacted* by the authority aforesaid, That the commissioners for regulating the pilotage in the port and harbor of Charlestown, for the time being, or a majority of them, shall be and they are hereby nominated and appointed commissioners for building the said pest house, and erecting the said beacon or land mark, and purchasing a piece of land convenient for those purposes as aforesaid; and the said commissioners shall have power, and they are hereby fully impowered and authorized, to purchase any piece of land properly situated for the purposes aforesaid, which shall be conveyed to his Majesty, his heirs and successors, for the use of the said pest house and beacon, and for such other public uses as may or shall at any time hereafter be appointed by the Legislature of this Province.

Commissioners of pilotage made commissioners for the above purposes

A.D. 1754.

The same.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall also have power and authority, and they are hereby fully authorized and impowered, to build the said pest house, and erect the said beacon or land mark, upon such land, in such manner, of such dimensions, and with such materials, as they shall think most expedient.

Monies hereby appropriated to be paid to the commissioners every 6 months.

V. *And be it further enacted* by the authority aforesaid, That all such moneys as shall come into the treasurer's hands, which are to be applied to the purchasing land, and erecting a pest house and beacon as aforesaid, shall be paid every six months into the hands of the aforesaid commissioners, or a majority of them, for the uses aforesaid; which moneys the said public treasurer is hereby directed, enjoined and required to pay out of the moneys arising from the said fifth part of the said tax; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Commissioners of fortifications to build another magazine.

VI. And whereas, the present powder magazine in Charlestown is not sufficient to contain the public store of gun powder, and the powder belonging to private persons, which, for the safety of the said town, is by law enjoined to be stored in the magazine, *Be it therefore further enacted* by the authority aforesaid, That the commissioners for building and repairing the fortifications in this Province, or a majority of them, shall have power, and they are hereby fully impowered, to purchase a piece of land near the work house in Charlestown, within the line at the north end of the said town, and to build another magazine upon the said land, which shall be made with bricks, and of such dimensions and in such manner as they the said commissioners shall think convenient.

Appropriations made for that purpose.

VII. *And be it further enacted* by the authority aforesaid, That the sum of two thousand five hundred and thirteen pounds and fourteen shillings, now in the hands of the powder receiver of this Province, arising from the sale of gun powder out of the public store, and such other moneys as may hereafter be raised by the sale of gun powder out of the public store, by resolution or order of the General Assembly of this Province, shall be and is hereby applied toward defraying the expence of purchasing the said piece of land and building the said magazine; and the said powder receiver is hereby directed and required to pay the same to the said commissioners for that service; and the remaining part of the said expence shall be defrayed out of the fund appropriated for building and repairing the fortifications in this Province; and the public treasurer of this Province shall be, and he is hereby obliged and required to pay the said commissioners so much money out of the said fund as will be sufficient to defray the remaining part of the expence of purchasing the said piece of land, and building and finishing the said magazine.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 11th day of May, 1754.

Assented to: JAMES GLEN.

A. D. 1754.

AN ACT for vesting the Ferry over Savanna river, at the Garrison of Fort Moore, in New Windsor, in John Stewart of New Windsor, his executors, administrators and assigns, for the term therein mentioned; and for establishing a Ferry over Santee river, in the township of Saxe-Gotha, from the land of Martin Fridig, on the South side, to the opposite landing on the North side, of the said river, and for vesting the same in the said Martin Fridig, his executors, administrators and assigns, for the term therein mentioned.

No. 827.

(Passed May 11, 1754. See last volume.)

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED. No. 828.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted* by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That an Act of the General Assembly of this Province entitled "An Act for declaring Dorchester bridge, Bacon's bridge, McCollum's bridge, and Waring's bridge, in the parish of St. George, Dorchester, to be parish bridges, and appointing the manner in which the same shall hereafter be kept in repair, and for reviving and continuing an Act of the General Assembly of this Province entitled 'An Additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants,'" passed the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four: And also one other Act entitled "An Act to nominate and appoint commissioners of the highways in the upper settlements on Pedee, Waccamaw and Black rivers, with power to establish ferrys at such convenient places within the several districts therein mentioned as the majority of the commissioners of the said districts shall direct, and to appoint highway and bridge commissioners for Saxe-Gotha township," passed the thirteenth day of June, one thousand seven hundred and forty-seven — be, and are hereby declared to be, revived, continued, and enacted to be of full force and virtue for and during and unto the full end and term of seven years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

II. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province entitled "An Act for keeping the Streets in Charlestown clean, and establishing such other regulations for the security, health and convenience of the inhabitants of the said town, as are therein mentioned, and for establishing a new market in the said town," passed the thirty-first day of May, one thousand seven hundred and fifty: And also one other Act entitled "An Additional

A. D. 1754. and Explanatory Act to an Act of the General Assembly of this Province entitled an Act for keeping the Streets in Charlestown clean, and for establishing such other regulations for the security, health and convenience of the inhabitants of the said town, as are therein mentioned, and for establishing a new market in the said town," passed the fourth day of May, in the year of our Lord one thousand seven hundred and fifty-one—be, and are hereby declared to be, revived, continued, and enacted to be of full force and virtue, for and during and unto the full end and term of two years, from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 11th day of May, 1754.

Assented to: JAMES GLEN.

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- No. 829. AN ACT for raising and granting to his Majesty the sum of Thirty-seven thousand eight hundred and ninety-eight pounds one shilling and six pence three farthings, and for applying the sum of four thousand two hundred and fifty-six pounds and eleven shillings, being the balances of several funds in the public treasury of this Province, making together forty-two thousand one hundred and fifty-four pounds twelve shillings and six pence three farthings, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-three, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-four, exclusive.

(Passed May 11, 1754. *Omitted.*)

- No. 830. AN ORDINANCE APPOINTING A COMPTROLLER OF THE COUNTRY DUTYS AND A COUNTRY WAITER OF THE PORT OF CHARLESTOWN, AND A COMPTROLLER AND RECEIVER OF THE COUNTRY DUTYS FOR THE PORT OF BEAUFORT, PORT ROYAL.

WHEREAS, it is necessary that a comptroller of the country duties, and a country waiter, for the port of Charlestown, and a comptroller and a receiver of the country duties for the port of Beaufort, Port Royal, should be appointed,

I. *Be it therefore ordained*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That Mr. Samuel Bowman shall be and is hereby appointed comptroller of the country duties for the port of Charlestown, and that Mr. Henry Kennan shall be country waiter for the said port; and that Mr. John Chapman shall be comptroller of the country duties for the port of Beaufort, Port Royal; and that Mr. William Harvey shall be, and is hereby appointed, receiver of the said duties for the said port. And the said comptrollers and receivers, respectively, shall have the same powers and authorities, and shall be entitled unto,

receive and take the same fees and perquisites in the execution of their respective offices, and shall be subject and liable to the like penalties and forfeitures for neglect of duty, as the comptrollers of the country duties for the port of Charlestown have heretofore been subject and liable to, and the public treasurer of this Province, respectively, are entitled to take and receive, and are subject and liable unto, by the laws of this Province.

A.D. 1755.

II. *And it is hereby further ordained*, That the said country waiter shall have a salary of one hundred pounds per annum, to be paid out of the duties arising on liquors, spirits and other goods and merchandize imported into and exported out of Charlestown; and shall have the same perquisites, powers and authorities, to all intents and purposes, for the executing of his office, as are by law given to any other country waiter in this Province.

HENRY MIDDLETON, *Speaker*.

In the Council Chamber, the 1st day of February, 1755.

Assented to: JAMES GLEN.

AN ACT FOR IMPOWERING THE CHURCHWARDENS AND VESTRY OF THE PARISH OF ST. BARTHOLOMEW TO DISPOSE OF THE PEWS IN THE CHAPEL LATELY ERECTED IN THE SAID PARISH. No. 831.

WHEREAS, a chapel of ease hath been lately erected in the parish of St. Bartholomew, and whereas, there are several pews set up and erected in the same that cannot be disposed of unless a law is passed by the legislature of this Province for that purpose; therefore, in order to authorize and empower the churchwardens and vestry of the said parish to sell, convey and dispose of the said pews to any person or persons that may be desirous of purchasing the same, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the churchwardens and vestry of the said parish, for the time being, shall have power and authority, and they are hereby fully authorized and empowered, to dispose of and to convey to any person and their heirs and assigns, for ever, by an instrument in writing, to be drawn up and executed for that purpose, the said pews, in the manner following; that is to say, the persons who have contributed most toward the building of the said chapel shall be entitled to and have the first choice of the pews in the same; provided, that the moneys contributed, which shall entitle any subscriber to the choice of a pew, shall not make in the whole less than the sum of twenty pounds currency; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice; and the churchwardens and vestry of the said parish are hereby directed and required to give preference in the choice of the said pews to those persons who shall have estates in the said parish and have contributed most toward the building of the said chapel, as aforesaid.

II. *And be it further enacted* by the authority aforesaid, That the moneys which shall be received by the said churchwardens and vestry for the

A.D. 1755. disposal of the said pews shall be by each and every of them applyed for and towards the defraying the expence of keeping the said chapel from time to time in repair, and to and for no other use, intent or purpose whatsoever.

BENJAMIN SMITH, *Speaker*.

In the Council Chamber, the 12th day of April, 1755.

Assented to: JAMES GLEN.

No. 832. AN ACT for laying out, making and keeping in repair a Road from Purrysburgh to Bee's Creek, in Granville county, and for discontinuing such part of the present high road as leads from Day's Creek to Purrysburgh.

(Passed April 12, 1755. See last volume.)

No. 833. AN ACT FOR REVIVING AND CONTINUING SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE THEREIN MENTIONED, AND FOR AMENDING ONE OF THE SAID ACTS ENTITLED "AN ACT FOR THE BETTER REGULATING OF THE MILITIA OF THIS PROVINCE, AND FOR REPEALING THE FORMER ACTS FOR REGULATING THE MILITIA, AND FOR REPEALING AN ACT ENTITLED AN ACT FOR THE FURTHER SECURITY AND BETTER DEFENCE OF THIS PROVINCE."

WHEREAS, several wholesome and beneficial laws of this Province are near expiring; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act of the General Assembly of this Province entitled "An Act for the better preventing of excessive and deceitful Gaming," made the sixteenth day of May, in the year of our Lord one thousand seven hundred and fifty-two; and also another Act entitled "An Act to restrain the too frequent sales of goods, wares and merchandize by public auction or outcry in Charlestown, and for the better regulation of such sales," made the fourth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also another Act entitled "An Act for the better regulating the Militia of this Province, and for repealing the former Acts for regulating the Militia, and for repealing an Act entitled an Act for the further security and better defence of this Province," made the thirteenth day of June, one thousand seven hundred and forty-seven—be, and are hereby declared to be, continued, and enacted to be of full force and virtue, for and during and until the full end and term of three years from and after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

II. And whereas, disputes have arisen in the districts in the country parishes, with respect to the levying fines on defaulters at musters, for that such defaulters had not been summoned to shew cause why they should

not be fined; for prevention whereof for the future, *Be it further enacted* by the authority aforesaid, That all and every defaulter and defaulters at musters in the country parishes shall (without being summoned) be obliged to attend one of the commissioned officers of the company in which such defaulter shall be enrolled, and make his excuse for not appearing at muster, on or before the next muster day; and unless such excuse shall be admitted by two commissioned officers of the said company, such defaulter shall be obliged to pay the fine inflicted by the Act last above mentioned; any law, usage or custom to the contrary notwithstanding.

A. D. 1755.

BENJAMIN SMITH, *Speaker*.*Assented to the 14th day of May, 1755.*

JAMES GLEN.

**AN ACT TO RESTRAIN THE EXPORTATION OF PROVISIONS AND WARLIKE No. 834.
STORES FROM THIS PROVINCE, FOR THE TIME THEREIN MENTIONED.**

WHEREAS, the exportation of provisions or warlike stores from this Province may, at this time, be greatly prejudicial to his Majesty's subjects in America, we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of this Province, and by the authority of the same, That no person or persons whatsoever, at any time or times during the space of nine months next after the passing of this Act, shall, directly or indirectly, lade on board, or cause or procure to be laden on board, any ship or other vessel or boat, in order to be carried out of this Province to any part of America, any corn, pease, flour, bread, biscuit, beef, pork or bacon, live stock, or any other provisions, (rice only excepted) or any warlike stores, under the penalties and forfeitures hereinafter mentioned; that is to say, that every ship or other vessel or boat which shall load or take on board any of the aforesaid provisions or warlike stores, contrary to the true intent and meaning of this Act, shall be forfeited, with all her guns, tackle, apparel and furniture, and all the said provisions and warlike stores on board the same, or the value thereof, shall be forfeited, the one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to him or them that will inform and sue for the same in any court of record in this Province, by bill, plaint, information, or other action.—

Exportation of provisions and warlike stores prohibited for nine months.

Provided, that nothing in this Act shall extend or be construed to restrain the exportation of any such commodittys or provisions as shall be necessary to be carried in any ship or vessel or boat, in their voyage from this Province to any part of America, for the sustenance and support of the master, mariners and passengers on board the same, or for the victualling or providing any of his Majesty's ships of war.

Exception.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the treasurer, comptroller or waiter, at any time within the term aforesaid, to enter into and search all or any ships or vessels bound from this Province to any port of America, and in case they shall discover that any of the aforesaid commodities or provisions have been laden or put on board without bond being given as by this Act is

Vessels may be searched.

A. D. 1755.

directed, then to seize all and every such ships and other vessels or boats, and also the corn, pease, flour, bread, biscuit, beef, pork or bacon, live stock, or any other provisions or warlike stores found on board the same, and to secure the same until condemned or delivered by due course of law, and in case of recovery to be divided according to the direction of this Act

Exporter to
declare to what
port bound.

III. *Provided*, That this Act or any thing therein contained shall not extend to any of the said commodities which shall be exported or shipped to be exported out of or from this Province to any port or place whatsoever, except to the dominions of his most Christian Majesty, so as the exporter do, before the shipping the same, declare the port or place for which the said commodities are respectively designed, and do become bound with other sufficient security in treble the value thereof, to the comptroller of the country duties of the port or place where the same shall be shipped, who has hereby power to take such security in his Majesty's name, to his Majesty's use, for the service of this Province, that such commodities shall not be landed or sold in any port or place subject to his most Christian Majesty, which bond shall be forfeited unless a certificate shall be produced to the comptroller of the country duties to whom bond was given, within eighteen months after the date of such bonds, from two of the principal officers of his Majesty's customs in the port where the same be landed, that the corn, pease, flour, bread, biscuit, beef, pork or bacon, live stock, or any other provisions or warlike stores, laden on board the ships and vessels or boats, for which bond was given as aforesaid, have been landed in some part of his Majesty's dominions, the dangers of the seas excepted; or unless affidavits by the master or mate, with any one of the mariners, taken before the Governor or other magistrate, authenticated under the provincial seal or certified by a public notary, that the said commodities have been landed in some foreign port or place not belonging to his most Christian Majesty.

Fee of the
comptroller.

IV. *And be it also enacted*, That it shall be lawful for the comptroller aforesaid to receive a fee of twenty shillings current money, for his trouble in taking the bond and cancelling the same, and no more.

B. SMITH, *Speaker*.

Assented to the 14th day of May, 1755.

JAMES GLEN.

- No. 835. AN ACT for raising and granting to his Majesty the sum of sixty-two thousand one hundred and thirty-four pounds sixteen shillings and ten pence half penny, and for applying the sum of three thousand and twenty-one pounds three shillings and eight pence (being the balance in the general duty fund) making together the sum of sixty-five thousand one hundred and fifty-six pounds and six pence half penny, for defraying the charges of this Government for one year, ending the twenty-fourth day of March last, and toward repairing the old and building new fortifications in this Province, and for other services mentioned in the schedule to this Act annexed; and also to enable the Public Treasurer for the time being to issue certificates, payable out of the Fortification Fund, for the more immediate repairing and building the said fortifications: And also for raising and granting to his Majesty the further sum of thirty-three thousand and six hundred pounds current money, (which

with the sum of eight thousand and four hundred pounds, provided for this service in the schedule aforesaid, is equal to six thousand pounds sterling,) as the contribution of this Province to a common fund to be employed provisionally for the general service in defending his Majesty's just rights and dominions in North America; and appointing Commissioners for stamping and signing Public Orders for the more immediate and expeditious issuing of the said sum of thirty-three thousand and six hundred pounds; and providing a fund for sinking the said Public Orders in five years, by a general tax and assessment on the estates, real and personal, of the inhabitants of and others interested in this Province.

A.D. 1755.

(Passed May 20, 1755. Omitted.)

AN ORDINANCE IMPOWERING THE GOVERNOUR, HIS MAJESTY'S COUNCIL, AND THE OTHER PERSONS THEREIN NAMED, TO SETTLE AND REGULATE THE TRADE TO BE CARRIED ON FROM THE PROVINCE OF SOUTH CAROLINA WITH THE CREEK INDIANS. No. 836.

FORASMUCH as by the latest accounts from the nation of Creek Indians, the subjects of the French King are incessantly labouring to seduce those Indians from the British interest; and forasmuch as the most likely means of preserving the friendship of the said Indians, and continuing them in amity with this Government, will be to supply them with British manufactures, and at as cheap and easy rates as can be afforded; and forasmuch as it is expected that several of the chiefs or head men of the said nation will soon be in Charlestown in order to have their trade settled and the prices of goods reduced; we therefore humbly pray his most sacred Majesty that it may be ordained, Preamble.

I. *And be it ordained*, by his Excellency James Glen, Esq. Governour-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the Governour or Commander-in-chief of this Province for the time being, and his Majesty's Council, with the advice and consent of Benjamin Smith, Henry Middleton, James Michie, John Rattray, Charles Pinckney, junior, George Austin, John Savage, John Guerard, James Skirving, David Grame and Thomas Lamboll, Esquires, members of the General Assembly, or a majority of the said members, shall have power and authority, and they are hereby fully authorized and empowered, to settle and regulate with the chiefs or head men of the Creek nation, when they shall come to Charlestown, the trade to be carried on in the said nation by such of the traders as now have or hereafter shall have licences from this Province to trade in any part of the said nation; and also to appoint, set and ascertain the rate or price, and rates or prices, of all and every article and articles of goods, wares and merchandize, that shall be carried to the said nation by the traders licenced from this Province; provided, that nothing herein contained shall extend, or be construed to extend, to give any power or authority for lessening or reducing the present number of traders to the said nation, licenced from this Province, unless it shall appear absolutely necessary for the peace and safety of this Province that the number of the said traders be lessened or reduced, in which case his Excellency the Governour, his Majesty's Council, and the members aforesaid, or a majority of the Commissioners nominated who may settle with the Creek nation.

And fix the prices of articles.

Number of traders not to be reduced unless it be absolutely necessary.

A. D. 1755.

said members, are hereby authorized and impowered to lessen and reduce the said number, in such manner and upon such terms as shall be by them thought most proper to answer the purposes aforesaid.

A schedule of prices to be annexed to each licence.

II. *And be it also ordained* by the authority aforesaid, That the commissioner of Indian affairs shall be, and he is hereby obliged and required to annex a list or schedule of the prices of the goods, wares and merchandize so to be appointed, set and ascertained as aforesaid, to every licence that shall be granted from his said office, for trading in any part of the said nation; and shall also make it an instruction to every trader, to deal, trade, traffic or barter with the said Indians, according to the rates and prices mentioned and comprised in the said list or schedule; and the said commissioner shall also make it part of the condition of the bond entered into by the trader upon obtaining his licence, that he will deal, trade, traffick or barter with the said Indians conformably to the said instruction; and upon breach of such instruction, the penalty of such bond shall be, and is hereby declared to be, forfeited; any law, usage or custom to the contrary notwithstanding.

A schedule of prices to be forwarded to traders already licenced.

III. *And be it also ordained*, That in case any traders have already obtained licences from the said commissioner for trading in the said nation, he the said commissioner shall send a list or schedule with an instruction as aforesaid, to all and every such trader and traders, requiring him and them to deal, trade, traffick or barter with the said Indians according to the rates and prices mentioned in the said list or schedule as aforesaid; and in case any such trader shall disobey such instruction, his bond shall be forfeited, in like manner as if such instruction had been made part of the condition thereof; any law, usage or custom to the contrary notwithstanding.

In the Upper House of Assembly, the 23rd day of September, 1755.

H. BERINGER DE BEAUFAIN.

In the Commons House of Assembly, the 23rd day of September, 1755.

BENJAMIN SMITH, *Speaker.*

JAMES GLEN.

No. 837. *AN ACT* FOR PAYING THE SUM OF THIRTY POUNDS STERLING PER ANNUM, OR THE VALUE THEREOF IN THE CURRENCY OF THIS PROVINCE, TO THE RECTORS OR MINISTERS OF SUCH OF THE PARISHES IN THIS PROVINCE, AS DO NOT OR SHALL NOT RECEIVE A SALARY OR MISSION MONEY FROM THE SOCIETY FOR PROPAGATING THE GOSPEL IN FOREIGN PARTS, AND PROVIDING SALARIES FOR SUCH MINISTERS OF THE GOSPEL AS SHALL PREACH AND PERFORM DIVINE SERVICE AT THE CONGREGES AND AT THE WATEREES.

Preamble.

WHEREAS, the society for propagating the gospel in foreign parts, (whose liberality to the missionaries in this Province is gratefully acknowledged) do not allow salaries to the rectors or ministers who officiate in the parishes that have been lately erected in this Province; and forasmuch as the said society may hereafter think proper to reduce or totally discontinue the salaries which they now appoint to their missionaries, we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every rector or minister of any parish in this Province, (the parishes of St. Michael and St. Philips Charlestown, excepted) who have or hath not received any salary or mission money from the society for propagating the gospel in foreign parts, or whose salary or mission money hath been or shall be reduced or totally discontinued by the said society, shall be paid out of the public treasury of this Province the sum of thirty pounds sterling per annum, or the value thereof in the current money of this Province, over and above the salaries granted to the clergy by this Government, or so much as after such reduction shall be equal to thirty pounds sterling.

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£30 sterling per annum to be paid to such ministers whose salary has been reduced, except in St. Michael and St. Philips.

II. *And be it further enacted* by the authority aforesaid, That the public treasurer of this Province for the time being shall be and he is hereby obliged, enjoined and required to pay the said sum of thirty pounds sterling per annum, or the value thereof in the current money of this Province, or such proportion aforesaid, to the said rectors or ministers as aforesaid, at such times and in like manner, and out of the said fund, as the salaries of the clergy are paid out of the treasury of this Province; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

To be paid at the usual periods.

III. And whereas, the inhabitants of the Congrees, and the inhabitants of the Waterees, have never had any minister of the gospel to preach and perform divine service among them, *Be it therefore further enacted* by the authority aforesaid, that the public treasurer of this Province for the time being shall pay to such minister of the gospel of the established church as shall statedly preach and perform divine service at Saxegotha, or such other central place in the Congrees as the commissioners hereinafter named shall direct, and six times a year at least, at the most populous places within forty miles of the same, the sum of seven hundred pounds current money per annum; and the like sum of seven hundred pounds per annum to such minister of the gospel of the established church, as shall statedly preach and perform divine service at Fredericksburgh, Pine Tree Creek, or such other central part in the Waterees as the said commissioners shall direct and appoint, and six times a year at least, at the most populous places within forty miles of the same.

£700 per annum currency money to be paid to a minister at the Congrees, and as much to one at Fredericksburgh.

IV. *Provided always, and be it further enacted* by the authority aforesaid, That the nomination and appointment of the said ministers respectively, shall be by any five or more of the church commissioners, to be summoned agreeable to the directions of the church Act, who shall be, and are hereby, impowered to draw upon the public treasurer for the salaries given by this Act, half yearly, and the public treasurer shall pay the same out of the fund appropriated for payment of the salaries of the clergy in this Province; any law, usage or custom, to the contrary notwithstanding.

Ministers how nominated.

B. SMITH, *Speaker*.

In the Council Chamber, the 27th day of January, 1756.

Assented to: JAMES GLEN

A. D. 1756.


No. 838. *AN ACT FOR BUILDING A NEW CHURCH IN THE PARISH OF ST. PAUL IN COLLETON COUNTY.*

WHEREAS, heretofore the parish of St. John, in Colleton county, was part of the parish of St. Paul, at which time the church of St. Paul was situate in or near the centre of the parish, but by dividing the said parish, the church now is in a corner of the parish, to the great inconvenience of the parishoners, who by an humble petition to the General Assembly, have represented the same and prayed relief therein; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a church shall be built on or near the new glebe land in the parish of St. Paul, which church, when finished, shall be, and is hereby declared to be, the parish church of St. Paul, to all intents, constructions and purposes whatsoever; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That John Postell, Francis Wilkinson and George Somers, Esquires, and Mr. James Hartley, Mr. Elijah Postell, Mr. Samuel Elliott, Mr. James Ladson, Mr. Joseph Brailsford and Mr. Francis Yonge, be, and they are hereby appointed, commissioners for building the said church and setting up pews in the same; and they, or any five of them, are hereby fully authorized and impowered to take subscriptions and sue for the same, and to receive, gather and collect all such sum and sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the remaining commissioners, or any five of them, shall and may nominate and appoint another person or persons to be commissioner or commissioners, in the room or place of such person or persons so dead, absent or refusing to act, as to the said remaining commissioners, or any five of them, shall seem meet, and the person or persons so nominated and appointed shall have the same power and authority for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, with the moneys to be collected by the contributions as aforesaid, shall have power, and they are hereby authorized, impowered and required, as soon as conveniently may be, to build the said church and to set up pews in the same, in such manner as they shall think fit, which pews are hereby required to be made as equal in space as can be, and shall be disposed of in the manner following, (that is to say) the persons who shall have contributed most toward building the church, shall be entitled to and have the first choice of the pews in the same; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice; and the said commissioners, or any five of them, are hereby impowered and required to convey the said pews to such persons, their heirs and assigns, forever,

by an instrument in writing under their hands, to be drawn up for that purpose.

A. D. 1756.

B. SMITH, *Speaker*.

In the Council Chamber, the 27th day of January, 1756.

Assented to: JAMES GLEN.

AN ACT FOR MAKING MORE EFFECTUAL AN ACT OF THE GENERAL ASSEMBLY No. 839.
OF THIS PROVINCE, ENTITLED "AN ACT FOR FOUNDING AND ERECTING, GOVERNING, ORDERING AND VISITING, A FREE SCHOOL AT THE TOWN OF DORCHESTER, IN THE PARISH OF ST. GEORGE, IN BERKLEY COUNTY, FOR THE USE OF THE INHABITANTS OF THE PROVINCE OF SOUTH CAROLINA."

WHEREAS, the persons appointed commissioners, in and by an Act of the General Assembly of this Province, passed the ninth day of April, one thousand seven hundred and thirty-four, entitled "an Act for founding and erecting, governing, ordering and visiting, a free school at the town of Dorchester, in the parish of St. George, in Berkley county, for the use of the inhabitants of the Province of South Carolina," are all dead, without having any successors appointed, as by the said Act is directed, whereby the good intent of the said Act hath been in a great measure frustrated; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the rector of the said parish for the time being, Henry Middleton, Walter Izard, Ralph Izard, Daniel Blake, John Ainslie, Esqrs. Mr. Benjamin Waring, Mr. Richard Waring and Mr. Joseph Waring, shall be, and they are hereby appointed, commissioners for the purposes in the said Act mentioned, and invested with the same powers and authorities, to all intents, constructions and purposes whatsoever, for carrying the several matters comprized in the said recited Act into execution, as the commissioners therein nominated and appointed were invested with.

Nomination of commissioners.

II. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, or any five of them, shall meet in the vestry room of the parish church of St. George's Dorchester, on the twenty-third day of April next, between the hours of nine and twelve of the clock in the morning, and then and there make choice of a president, for the year ensuing; and the commissioners hereby appointed, or such as shall at any time hereafter be appointed, in pursuance of the powers of this or the said recited Act, or any five of them, shall every year in like manner, upon the twenty-third day of April, (unless the same shall happen on a Sunday, and in such case upon the day following) proceed to the choice of a president; and the said commissioners, before they begin to act as such, and the president when chosen, shall take such oaths as are in the said Act appointed to be taken, which shall be administered by any two of the commissioners to the others of them respectively, and to the president; and they, or any two of them, are hereby authorized and empowered to administer the same accordingly.

Any five shall constitute a quorum; time and place of meeting.

An oath to be taken.

A. D. 1756.

In case of
death, removal
or refusal to
act,

The vestry and
church-
wardens may
choose a new
commissioner.

Commissioners
may appoint
teachers for the
school, and
censure or
suspend.

Personal notice
to be given, or
left at the place
of abode.

Salary £50
proclamation
money.

School-master
to use and
enjoy the
house, lands,
&c. belonging
to the institu-
tion.

Ten poor
scholars to be
taught gratis.

III. *And be it further enacted* by the authority aforesaid, That if at any time hereafter the said commissioners shall be reduced by death, resignation, refusal to act, or departure from this Province for more than twelve months, and the said commissioners shall neglect or refuse to choose a new commissioner or commissioners, in the manner prescribed and directed by the said Act, for the space of six months after any such vacancy as aforesaid, it shall and may be lawful for the vestry and church-wardens of the said parish to choose a new commissioner or commissioners, to make up the number nine; any thing in the said recited Act contained, to the contrary notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and they are hereby fully authorized and empowered, to nominate and appoint a school-master, ushers or teachers, and to censure, suspend or deprive any of the said masters, ushers or teachers, as they, or any five of them, in their discretion shall see fit: Provided nevertheless, that such nomination and appointment, or censure, suspension or deprivation, shall not take effect unless the same respectively shall be agreed to and resolved upon at a meeting for that purpose to be appointed, and particularly specified in the summons to be issued by the president and served upon each respective commissioner personally, at least ten days before such meeting, or left at his most usual place of abode with one of his known domestic servants.

V. *And be it further enacted* by the authority aforesaid, That the school-master nominated and appointed in the manner above mentioned, shall have, hold, occupy, possess and enjoy, to him and his lawful successors, all such lands as shall, pursuant to the above recited Act, be taken up, purchased, had or received for the use of a school-master for the said school, and the school house, dwelling house, out-houses and other buildings thereon; and also, as a further encouragement, shall have and receive out of the public treasury of this Province the sum of fifty pounds proclamation money, or the value thereof in the current money of this Province, to be paid him half-yearly by the public treasurer, who is hereby authorized, required and commanded, punctually to pay the same out of the fund appropriated for payment of the salaries of the clergy, by draughts to be made for that purpose by the president and any four of the said commissioners, or their successors.

VI. *And be it further enacted* by the authority aforesaid, That the school-master, ushers and teachers to be appointed as aforesaid, shall freely and without any manner of fee or reward whatsoever, teach and instruct ten poor scholars, and as many more as the president and any four of the said commissioners shall from time to time, according as the public or school salaries may or shall be hereafter increased, approve of and judge fit to nominate and appoint.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 19th day of March, 1756.

Assented to: JAMES GLEN.

No. 840. AN ACT for building a new Church in the Parish of St. John, in Berkley county.

(Passed March 19, 1756. The original not to be found.)

A. D. 1756.

AN ACT ESTABLISHING THE CHAPEL ON JAMES ISLAND, IN THE PARISH OF ST. ANDREW, A CHAPEL OF EASE, AND FOR THE DUE PERFORMANCE OF DIVINE WORSHIP IN THE SEVERAL CHAPELS OF EASE ESTABLISHED BY LAW IN THIS PROVINCE. No. 841.

WHEREAS, the inhabitants of James Island, in the parish of St. Andrew, of the established church, living at a considerable distance from the parish church, have erected a chapel for the benefit of having divine service performed near them, but as the said chapel hath not been established by law as a chapel of ease, the rector or minister of the said parish is not obliged to preach and perform divine service therein; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the chapel on James Island, in the parish of St. Andrew, shall be, and is hereby established, a chapel of ease.

II. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish of St. Andrew, shall be, and he is hereby obliged, enjoined and required to preach and perform divine service at the said chapel of ease every fourth Sunday, provided it happen not upon Easter Sunday, Whit Sunday or Christmas day, and in such case to preach on the next Sunday after, and from thence again on every fourth Sunday.

III. *And be it further enacted* by the authority aforesaid, That if the rector or minister of any parish in this Province, who is by law enjoined and required to perform divine service and preach in any chapel of ease in his parish, shall neglect to do the same, in such case the public treasurer of this Province shall, and he is hereby authorized and required to, deduct in the next payment by him to be made to such rector or minister, the sum of ten pounds currency for every Sunday on which such rector or minister shall neglect to perform divine service and preach accordingly, upon a certificate of such neglect being produced to him, under the hands of a majority of the vestry and one of the church-wardens of the said parish; provided that the said certificate be signed and lodged with the treasurer within three months next after the said neglect.

B. SMITH, *Speaker.*

In the Council Chamber, the 19th day of March, 1756.

Assented to: JAMES GLEN.

AN ACT for making a road across Hilton Head, from Port Royal Inlet to Callibogy Inlet: and a road from the Fording Islands to the head of Okatee creek, in Granville county, and appointing Commissioners for the said roads. No. 842.

(Passed March 19, 1756. *See last volume.*)

A. D. 1756.

- No. 843. AN ACT establishing ferrys over Waccamaw and Pedee rivers, and vesting the same in the persons therein mentioned, and appointing and empowering Commissioners for making roads leading to the said ferrys.

(Passed March 19, 1756. *See last volume.*)

- No. 844. AN ACT for cleansing, clearing and making navigable the head of Ashepoo river, from Ashepoo bridge to the fish pond bridge, and for cleansing, clearing and making navigable Chechessey creek, from the mouth of the same to the public landing known by the name of the Chechessey landing, and for appointing Commissioners for clearing the Horse-shoe creek, in the room of those who are dead.

(Passed March 19, 1756. *See last volume.*)

- No. 845. AN ORDINANCE FOR APPOINTING WILLIAM MIDDLETON, LATE OF THIS PROVINCE, ESQUIRE, AGENT TO SOLICIT THE AFFAIRS OF THE INHABITANTS OF THIS PROVINCE IN GREAT BRITAIN.

WHEREAS, it is necessary that an agent be appointed to solicit the affairs of the inhabitants of this Province in Great Britain; and whereas, the General Assembly of this Province have thought William Middleton, Esq. a proper person to be appointed agent for the said purposes;

I. *Be it therefore ordained*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That the said William Middleton be, and he is hereby declared, nominated and appointed, agent to represent, solicit and transact the affairs of the inhabitants of this Province in Great Britain.

II. *And be it further ordained* by the authority aforesaid, That the said William Middleton shall be, and he is hereby, fully authorized and empowered to follow and pursue all such instructions as he shall from time to time receive from the General Assembly of this Province, or from the committee hereinafter appointed to correspond with him.

III. *And be it further ordained* by the authority aforesaid, That the honorable Edward Fenwicke, William Bull, William Wragg, George Saxby, James Michie and Othniel Beal, Esquires, of his Majesty's Council, and the honorable the Speaker of the Commons House of Assembly for the time being, and such other members of the said House as shall be by them appointed for that purpose, be, and they or any five of them, (two of which to be of the Council) are hereby appointed a committee to correspond with the said William Middleton, Esq. and to give him advice and instructions as they shall judge for the service of this Province.

IV. *And be it further ordained* by the authority aforesaid, That there shall be allowed and paid unto the said William Middleton the sum of two hundred pounds sterling money of Great Britain, per annum, for his

services, to commence from the time of his receiving notice of his being hereby appointed agent as aforesaid, besides his reasonable charges and disbursements on negotiating the affairs of this Province. A.D. 1756.

V. *And be it further ordained* by the authority aforesaid, That the said William Middleton shall be and continue agent of the inhabitants of this Province for the term of one year, to commence from the time aforesaid.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 19th day of March, 1756.

Assented to: JAMES GLEN.

AN ADDITIONAL ACT to an Act entitled "an Act for preventing as much as may be, accidents which may happen by fire in Charlestown, in the Province of South Carolina, and for preserving the Fire Engines in the said town, and for rendering the same as useful as may be in case of fire." No. 846.

(Passed March 19, 1756. *See last volume.*)

AN ACT for laying out, making and keeping in repair, a road from Purysburgh to Bee's creek, in Granville county, and for discontinuing such part of the present high road as leads from Day's creek to Purysburgh. No. 847.

(Passed April 12, 1756. *See last volume.*)

AN ACT TO REVIVE AND CONTINUE THE SEVERAL ACTS OF THE GENERAL ASSEMBLY THEREIN MENTIONED, AND FOR CONTINUING ONE OF THE SAID ACTS ENTITLED "*An Act for the better restraining Seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive Seamen, and to discourage frivolous and vexatious actions at law being brought by Seamen against masters and commanders of ships and other vessels,*" AND ALSO ANOTHER OF THE SAID ACTS FOR PREVENTING CONTAGIOUS DISTEMPERS. No. 848.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring; we therefore humbly pray his most Preamble. sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act of the General Assembly of this Province, entitled "*An Act for the better restraining Seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive Seamen, and to discourage frivolous and vexatious actions at law being brought by Seamen against masters and commanders of ships and other vessels,*" passed the A former Act continued.

A. D. 1756.

seventeenth day of May, one thousand seven hundred and fifty-one—be, and is hereby declared to be, of full force and virtue for and during and unto the full end and term of seven years, from and after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Suits by mariners against masters and commanders, proceedings thereon.

II. And whereas, the said Act has not been effectual to discourage such frivolous and vexatious actions, *Be it therefore enacted*, That every seaman and mariner who shall be minded to commence any action or suit against the master or commander of any ship or vessel, for any act, matter, cause or thing whatsoever, shall not only first shew cause of action, as the said Act directs, but shall also give sufficient security by recognizance or otherwise, to be taken and approved of by the judge or judges, justice or justices, of the court from whence process is prayed, that the seaman or mariner who is plaintiff in such suit shall and will prosecute the same to effect; and that all such actions and suits as shall be commenced, sued or prosecuted as aforesaid without cause of action shewn and security first given as required by the said recited and by this present Act, shall be, and they are hereby declared, null and void to all intents and purposes.

Certain Acts revived and continued.

III. *And be it further enacted* by the authority aforesaid, That another Act entitled "An additional Act to an Act of the General Assembly of this Province entitled an Act for preventing as much as may be the spreading of contagious Distempers, and to revive and continue an Act entitled an Act for the establishing of a Market in the parish of St. Philip, Charles-town, and for preventing engrossing, forestalling, regrating and unjust exactions in the said town and market," passed the thirteenth day of June, one thousand seven hundred and forty-seven; and another Act entitled "An Act to restrain the exportation of provisions and warlike stores from this Province, for the time therein limited," passed the fourteenth day of May, one thousand seven hundred and fifty-five—be, and they are hereby declared to be, revived, continued and enacted to be of full force and virtue for and during the term of one year from the time of passing this Act, and from thence to the end of the next session of the General Assembly, and no longer.

No vessel to pass Fort Johnson till visited by a physician.

IV. And whereas, the physicians named in the fifth section of the said additional Act are either dead or decline giving attendance upon the occasions in the said Act required, *It is hereby enacted*, that no vessel under the description therein contained shall pass Fort Johnson till one of the physicians hereinafter named, that is to say, Doctor Robert Brown, Dr. Alexander Garden, Dr. David Oliphant, Dr. George Millegen, Dr. Lionel Chalmers, Dr. Samuel Carne, Dr. John Murray or Dr. William Murray, shall have visited such vessel, and have given such certificate as is therein mentioned.

B. SMITH, *Speaker*.

In the Council Chamber, the 13th day of April, 1756.

Assented to:

JAMES GLEN.

No. 849. **AN ACT TO ENCOURAGE THE MAKING OF FLAX AND HEMP IN THE PROVINCE OF SOUTH CAROLINA.**

WHEREAS, no encouragement hath been hitherto given in this Province for the making of flax; and whereas, the encouragement given for

the making of hemp hath proved insufficient for the purpose intended; may it therefore please his most sacred Majesty that it may be enacted, A. D. 1756.

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That for the encouragement of making flax in this Province a premium of twenty shillings proclamation money shall be, and is hereby, given out of the public treasury of this Province for every hundred pounds weight of well dressed merchantable flax, reckoning five score to the hundred, and so in proportion for all under and above that quantity made in this Province, to be paid to the maker or makers thereof in manner hereinafter directed. 20s. proclamation money premium for 100 weight of flax.

II. *And be it also enacted* by the authority aforesaid, That over and above the premium of eight shillings and four pence proclamation money per hundred pounds weight, given as an encouragement for the making of hemp in this Province, by an Act of the General Assembly entitled "An Act to encourage the making of Hemp," passed the twenty-third day of February, in the ninth year of the reign of his late Majesty King George the First, a further premium or sum of twenty shillings proclamation money shall be, and is hereby, given out of the public treasury of this Province for every hundred pounds weight of well dressed merchantable hemp, reckoning five score to the hundred, and so in proportion for all under or above that quantity made in this Province, to be paid to the maker or makers thereof in manner hereinafter directed. Premium for hemp.

III. *And be it further enacted* by the authority aforesaid, That George Austin, Frederick Grimke and Robert Pringle, Esqs., and Mr. James Reid and Mr. William Woodrop, shall be, and they are hereby nominated and appointed, inspectors of such flax and hemp as shall be made in this Province, and they, or any three of them, shall and may judge and determine whether the same is of such quality as to be entitled to the premiums given by this Act. Nomination of inspectors.

IV. *And be it also enacted* by the authority aforesaid, That the public treasurer for the time being shall be, and he is hereby, obliged and required to pay the said premiums on flax and hemp, respectively, to the maker or makers thereof, upon his, her or their producing to the said treasurer a certificate from the said inspectors, or any three of them, that oath had been made before them, or some one or other of them, that the maker or makers of such flax or hemp had made the quantity comprised in such certificate, in this Province, and that neither he, she or they, nor any other person, to his, her or their use, before that time, had received any premium for the same; and the said inspectors and every of them are hereby empowered to administer such oath accordingly. Premium payable on producing inspector's certificate.

V. *And be it also enacted* by the authority aforesaid, That this Act shall continue in force for and during the term of three years from the time of passing thereof, and no longer.

B. SMITH, *Speaker.*

In the Council Chamber, the 13th day of April, 1756.

Assented to: JAMES GLEN.

A. D. 1756.

- No. 850. AN ACT for laying out, making and keeping in repair a Road from the bridge commonly called Minnick's bridge, to the 15 miles post on the road leading from Orangeburgh township to Charlestown, and for rebuilding the said bridge and keeping the same in repair.

(Passed April 13, 1756. *See last volume.*)

- No. 851. AN ACT for establishing a Ferry over Santee river, at the place commonly called Beard's Ferry, and vesting the same in James Beard, his executors, administrators and assigns, for the term therein mentioned; and applying part of the surplus of the money which was granted for making the Wateree navigable, toward making a road or causeway over the swamp on Santee river, leading to the said ferry; and appointing commissioners for making and keeping in repair a road from the said ferry to the most convenient part of the road leading from the Congress to Charlestown.

(Passed April 13, 1756. *See last volume.*)

- No. 852. AN ACT for establishing a Ferry from the plantation of Theodore Gaillard, on the south side of Santee river, to Murray's landing, on the north side of the river, and vesting the same in the said Theodore Gaillard, his executors, administrators and assigns, for the term therein mentioned; and for cleansing and clearing the creek therein mentioned, for the more convenient passing the said Ferry.

(Passed April 13, 1756. *See last volume.*)

- No. 853. AN ACT FOR THE ENCOURAGEMENT OF ADAM PEDINGTON, IN HIS PROJECTION OF A NEW MACHINE FOR CLEANING RICE.

WHEREAS, Adam Pedington, of the parish of St. Paul, in Colleton county, by his humble petition to the General Assembly hath set forth that he had discovered a new method of cleaning rice, which in all probability will be very advantageous and beneficial to the inhabitants of this Province, and prayed that a law may be made for encouraging him therein; to the end, therefore, that all due encouragement be given to ingenuity and industry, when it tends to the public good, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the said Adam Pedington, his heirs, executors, administrators and assigns, shall, for the term of fourteen years, to commence from the time of passing this Act, have the sole privilege and advantage of the said new instrument, machine or engine for the cleaning of rice; and if any person or persons whosoever, during the time hereby limited as

aforesaid, shall presume to make or use any instrument, machine, engine or contrivance for the cleaning of rice, according to the projection of the said Adam Pedington, without a licence in writing first obtained, under the hand and seal of the said Adam Pedington, his heirs, executors, administrators or assigns, he, she or they shall respectively forfeit and pay to the said Adam Pedington, his heirs, executors, administrators or assigns, the sum of fifteen pounds proclamation money, or the value thereof in current money, for every such instrument, machine, engine or contrivance, made or to be made within the term aforesaid, without such licence as aforesaid, to be recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, essoin, privilege or protection, shall be allowed or admitted, nor any more than one imparlance. Provided, that nothing herein contained shall abridge any person or persons of the liberty of erecting, framing or using, within the term aforesaid, any machine or engine that is different in principles and construction from the machine or engine of the said Adam Pedington.

A. D. 1756.

II. *Provided*, That the said instrument, machine, engine or contrivance, shall be brought to such perfection by the said Adam Pedington, within the term of two years from the time of making this Act, as shall be approved of by Henry Middleton, Frederick Grimke, Walter Izard, John Postell, James Skirving, James Postell and George Logan, Esqs., and Thomas Law Elliott and James Hartley, or a majority of them.

B. SMITH, *Speaker*.

In the Council Chamber, the 13th of April, 1756.

Assented to : JAMES GLEN.

AN ADDITIONAL ACT to an Act entitled "An Act for the better regulating the Port and Harbor of Charlestown and the Shipping frequenting the same."

No. 854.

(Passed April 13, 1756. *See last volume.*)

AN ACT FOR DISPOSING OF THE ACCADIANS NOW IN CHARLESTOWN, BY SETTLING ONE FIFTH PART OF THEIR NUMBER IN THE PARISHES OF ST. PHILIP AND ST. MICHAEL, AND THE OTHER FOUR PARTS OF THEM IN THE SEVERAL OTHER PARISHES WITHIN THIS PROVINCE.

No. 855.

WHEREAS, it is become highly necessary to disperse into different parts of the Province the several families of Accadians now in Charlestown, as well to prevent their doing any mischief, as to avoid the danger of any infectious distemper breaking out amongst them, which may with too much reason be apprehended from such numbers dwelling in close and inconvenient habitations at this hot season of the year; we therefore most humbly pray his most sacred Majesty that it may be enacted,

Preamble.

1. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority

A. D. 1756.

Four-fifths of the Accadians to be dispersed among the other parishes.

Expence to be borne by a general tax.

To be located by the church wardens and others appointed for the purpose.

Their support and maintenance.

Provision in case any shall remain undisposed of after three months.

A list of them to be made out and entered.

of the same, That the Governor or Commander-in-chief of this Province for the time being, shall have power and authority, and he is hereby fully authorized and empowered, with the advice of his Majesty's Council, to send four fifth parts of the French Accadians now in Charlestown, in such manner as he with the advice aforesaid shall judge convenient, to the several other parishes in this Province, regard being had to the number of white inhabitants living in such parish.

II. *And be it also enacted* by the authority aforesaid, That the expence of sending the said Accadians to the said parishes respectively, shall be borne and defrayed in the same manner as the other charges of this Government are borne and defrayed, by a general tax on the estates real and personal in this Province.

III. *And be it also enacted* by the authority aforesaid, That all church wardens and vestries of the several parishes in this Province respectively, in their several and respective parishes whither any of the said Accadians shall be sent as aforesaid, and such other persons as the Governor with the advice aforesaid shall appoint for that purpose, shall be, and they and every of them are hereby strictly enjoined and obliged and required to receive and take charge of such Accadians, and to keep them in such places in the said parishes respectively, as they, the said church wardens and vestry and other persons to be appointed as aforesaid, shall judge most convenient for that purpose; provided, that it be with the consent and approbation of the owner of such place or places; and shall also provide for the support and maintenance of the said Accadians for the space of three months from the time of receiving them, at the expence of the public of this Province, unless they can be sooner disposed of, which expence shall be assessed and raised in like manner as the other charges of this Government are assessed and raised; provided, that the same do not exceed the rate of ten shillings per head, per week, under pain of forfeiting the sum of five pounds current money for every Accadian that they, the said church wardens and vestry and other persons to be appointed as aforesaid, shall respectively refuse or neglect to take charge of or to support and maintain as aforesaid, to be sued for and recovered, if above twenty pounds, in any court of record in this Province, with full costs of suit, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law, shall be allowed or admitted, nor any more than one imparlance; and if twenty pounds or under, to be sued for and recovered according to the directions of the Act for the trial of small and mean causes; the one moiety of which penalty shall be applied towards defraying the expence of maintaining the said Accadians, and the other moiety to him or them who will inform and sue for the same.

IV. *Provided also, and be it further enacted* by the authority aforesaid, That in case there shall be remaining at the expiration of the said three months, in any of the said parishes, any of the said Accadians who shall not be then able to labor for their own subsistence, or whom the said church wardens, vestry and other persons to be appointed as aforesaid, shall not be able to bind out, such Accadians shall not become a burthen upon the inhabitants of the parishes respectively where they shall happen to be, but the expence of supporting and maintaining such Accadians shall be defrayed by a general tax as aforesaid.

V. *And be it further enacted* by the authority aforesaid, That when any of the said Accadians are ordered to be sent to any parish as aforesaid, the commissary general shall take an exact account of the number, sex, names, ages and sizes of the said Accadians, and shall enter the same in a book to be provided for that purpose, together with the name of the parish to

which they shall be destined, to the intent it may be known to what parish they belong; and in case any of the said Accadians shall leave the parish where they were first sent to and go into any other part of this Province, it shall and may be lawful for any one of his Majesty's justices of the peace to send them back to the church wardens and vestry, and other persons to be appointed as aforesaid respectively, in the parish from whence they came, who shall, and they are hereby obliged and required to receive them again, under the like penalty as is hereinbefore imposed, and to be sued for, recovered and applied in like manner as aforesaid.

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VI. *And be it further enacted* by the authority aforesaid, That in case any of the said Accadians shall refuse to labor with such persons as shall be willing to provide them with cloths and victuals for their service, then and in such case it shall and may be lawful for the church wardens, vestry and other persons to be appointed as aforesaid, or any of them, and they and every of them are hereby authorized and impowered, by a certificate under their or any of their hands and seals, to bind the said Accadians or any of them, to such persons as may be willing to take them upon such terms, and for such time as the said church wardens, vestry and other persons to be appointed as aforesaid, or any of them, shall think necessary; provided always, that no Accadian of the age of eighteen years and upwards, shall by virtue of this Act be obliged to serve for a longer time than three years, nor any Accadian under the age of eighteen years longer than until he or she shall arrive at the age of twenty-one years.

May be bound out.

VII. *And be it further enacted* by the authority aforesaid, That the certificate herein before mentioned shall be in the words and form following:

"These are to certify, that _____ was on the _____ day of _____, bound to _____, to serve _____ for the space of _____ years from _____ the date hereof, according to the directions of an Act of the General Assembly of the said Province, intituled 'An Act for disposing of the Accadians now in Charlestown, by settling one-fifth part of their number in the parishes of St. Philip and St. Michael, and the other four parts of them in the several other parishes within this Province; the said _____ to find the said _____ in sufficient meat, drink, cloathing, washing and lodging. Given under my hand and seal, this _____ day of _____, Anno Domini, _____.

Form of certificate.

A. B. [L. s.]"

For which certificate the said church wardens, vestry and other persons to be appointed as aforesaid, shall receive twenty shillings current money, for every Accadian bound by such certificate, to be paid by the person or persons to whom such Accadian or Accadians shall be bound; and the said church wardens, vestry, and other persons, shall enter the name of every Accadian and the name of every person to whom they shall be bound, in a book to be kept for that purpose, that all persons may have recourse to the same if need be; provided always, that such certificate shall be void and of none effect whenever his Majesty's pleasure shall be signified that the said Accadians shall be otherwise disposed of.

Certificate voidable at his Majesty's pleasure.

VIII. *And be it further enacted* by the authority aforesaid, That the certificate aforesaid shall be sufficient to all intents and purposes whatsoever in law, to bind every such Accadian according to the tenor thereof, and shall subject them to all regulations mentioned in an Act for the better governing of white servants, and shall be transferable in as full and ample manner as if an indenture had been voluntarily executed by the person so bound by the said church wardens, vestry and other persons so to be appointed as aforesaid, or any of them.

Certificate made obligatory on the Accadian.

IX. *And be it further enacted* by the authority aforesaid, That the remaining one-fifth of the said Accadians, shall be disposed of by the church remaining fifth.

Disposal of the

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wardens and vestry of St. Philip's, and other persons to be appointed for that purpose as aforesaid, in the same manner and form, and to be under the same restrictions and regulations, as are directed to be observed in disposing of the same in the other parishes of this Province.

Accadians prohibited from fire-arms.

X. *And be it also enacted* by the authority aforesaid, That it shall not be lawful for any of the said Accadians, upon any account or pretence whatever, to make use of any fire-arms or other offensive weapon whatever; and in case any person or persons shall find any fire-arms or other offensive weapon as aforesaid, in the possession of any of the said Accadians, it shall and may be lawful for such person and persons to seize and take away such fire-arms or other offensive weapons, and to keep the same to his and their own proper use; any law, usage or custom to the contrary notwithstanding.

B. SMITH, *Speaker.*

In the Council Chamber, the 6th day of July, 1756.

Assented to: WILLIAM HENRY LYTTTELTON.

- No. 856. AN ACT for raising and granting to his Majesty the sum of Ninety-one thousand one hundred and fifty-seven pounds eleven shillings and three pence three farthings, and for applying two thousand four hundred and seventy-one pounds eighteen shillings and nine pence, being the balance of several funds in the public treasury of this Province, making together ninety-three thousand six hundred and twenty-nine pounds ten shillings and three farthings, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-five, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-six, exclusive, and for other services therein mentioned.

(Passed July 6, 1756. *Omitted.*)

- No. 857. AN ACT APPOINTING JAMES WRIGHT, ESQUIRE, AGENT TO SOLICIT THE AFFAIRS OF THE INHABITANTS OF THIS PROVINCE IN GREAT BRITAIN.

WHEREAS, William Middleton, Esq., who was, by an ordinance of the General Assembly, appointed agent to solicit the affairs of the inhabitants of this Province in Great Britain, hath refused to undertake that service, whereby it is become necessary to appoint some other person to that office; and whereas, the General Assembly have thought James Wright, Esquire, a proper person for that purpose; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General, Governor, and Commander-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the said James Wright be, and he is hereby declared, nominated and appointed, Agent, to represent,

solicit and transact the affairs of the inhabitants of this Province in Great Britain. A. D. 1756.

II. *And be it also enacted* by the authority aforesaid, That the said James Wright shall be and he is hereby fully authorized and empowered to follow and pursue all such instructions as he shall from time to time receive from the General Assembly of this Province, or from the committee hereinafter appointed to correspond with him.

III. *And be it also enacted* by the authority aforesaid, That the Honorable John Cleland, Edward Fenwicke, William Bull, William Wragg, George Saxby, James Michie, Othniel Beale and Henry Middleton, Esqs., of his Majesty's Council, and the Honorable the Speaker of the Commons House of Assembly for the time being, and such other members of the said House as shall be by them appointed for that purpose, and they, or any five of them, two of which to be of the Council, are hereby appointed a committee to correspond with the said James Wright, and to give him such orders and instructions as they shall judge will be for the service of the said inhabitants.

IV. *And be it also enacted* by the authority aforesaid, That there shall be allowed and paid unto the said James Wright the sum of two hundred pounds sterling money of Great Britain per annum, for his services, to commence from the day of his arrival in Great Britain, besides his reasonable charges and disbursements on negotiating the affairs of the said inhabitants.

V. *And be it also enacted* by the authority aforesaid, That the said James Wright shall be and continue Agent to solicit the affairs of the inhabitants of this Province for the term of two years, to commence from the term aforesaid.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 19th day of November, 1756.

Assented to: WILLIAM HENRY LYTTTELTON.

AN ACT DIVIDING THE PARISH OF PRINCE FREDERICK, IN CRAVEN COUNTY, AND ESTABLISHING ANOTHER PARISH IN THE SAID COUNTY BY THE NAME OF THE PARISH OF ST. MARK, AND APPOINTING COMMISSIONERS FOR BUILDING A CHURCH AND PARSONAGE HOUSE THEREIN, AND ASCERTAINING THE NUMBER OF MEMBERS TO REPRESENT THE INHABITANTS OF THE SAID PARISHES RESPECTIVELY IN THE GENERAL ASSEMBLY OF THIS PROVINCE. No. 858.

WHEREAS, the inhabitants of the upper parts of the parish of Prince Frederick, in Craven county, by their petition to the General Assembly have represented many inconveniencies they labour under for want of having the said parish divided, and prayed that a law may be made for that purpose; we therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act,

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The parish of Prince Frederick divided into two parishes.

Parish of St. Mark.

A church and parsonage house to be established in St. Mark's.

Minister how to be chosen and salaried, and subject to the usual laws and restrictions.

Commissioners named and appointed.

Disposal of the pews.

the parish of Prince Frederick in Craven county shall be divided into two parishes, in the following manner, (that is to say) by continuing the north-westernmost line of Williamsburgh township to Pedee and Santee rivers; and all the lands situate to the northward of the said line shall be a distinct parish by itself, separate from the other part of the parish of Prince Frederick, and shall hereafter be called and known by the name of the parish of St. Mark; and the inhabitants of the said parish of St. Mark shall and may have, use, exercise and enjoy all the rights, privileges and immunities that the inhabitants of any other parish do or can have, use, exercise or enjoy, by the laws of this Province.

II. *And be it also enacted* by the authority aforesaid, That a church and parsonage house shall be built at such place within the bounds of the said parish of St. Mark as the major part of the commissioners hereinafter named shall order and direct, by and with the consent of the major part of the inhabitants of the said parish of the profession of the Church of England, who shall contribute toward building the same, at a meeting to be appointed for that purpose by the said commissioners.

III. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish of St. Mark shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen, and shall have yearly paid him, and to his successors forever, the same salary as is appointed for the rector or minister of any other parish in this Province, (the parishes of St. Philip and St. Michael excepted) out of the fund appropriated or to be appropriated for payment of the salaries of the clergy in this Province; and the public treasurer for the time being is hereby authorized and required to pay the same, under the like penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several other parishes in this Province; and the said rector or minister of the said parish of St. Mark shall have and enjoy all and every such privileges and advantages, and shall be under such rules, laws and restrictions, as the rectors or ministers of the other parishes in this Province have and enjoy, or are subject and liable unto.

IV. *And be it also enacted* by the authority aforesaid, That Richard Richardson and Joseph Cantey, Esqs., Matthew Nelson, Isaac Brunson, James M'Girt, William Cantey and John Cantey, be, and they are hereby appointed, commissioners for building of the church and pews and the parsonage house in the said parish of St. Mark; and they, or the major part of them, are hereby fully authorized and empowered to take subscriptions, and to receive, gather, solicit and sue for all such sum and sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid. And in case of the death, absence or refusing to act of any of the said commissioners, the churchwardens and vestry of the said parish of St. Mark for the time being, shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said churchwardens and vestry shall seem meet; which commissioner or commissioners, so to be nominated and appointed, shall have the same powers and authorities for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

V. *And be it also enacted* by the authority aforesaid, That the pews in the said church shall be erected by the direction and appointment of the said commissioners, or the major part of them, which are hereby required to be made as equal in space as can be, and shall be disposed of in the manner following, (that is to say) the persons who shall have contributed

most towards building the said church shall be entitled to and have the first choice of the pews in the same; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice. And the said commissioners, or a majority of them, shall have power and authority, and they are hereby fully authorized and empowered, by an instrument in writing, to be drawn up and executed for that purpose, to convey the said pews to the several persons aforesaid, their heirs and assigns, for ever.

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VI. And to prevent any disputes that may arise between the said parishes concerning their choosing of members to represent them in the General Assembly, *Be it enacted* by the authority aforesaid, That the inhabitants of the parish of Prince Frederick, qualified by law for that purpose, shall choose and send two members of Assembly, and the inhabitants of the parish of St. Mark, qualified as aforesaid, shall choose and send two members of Assembly, and no more; any law, usage or custom to the contrary thereof in any wise notwithstanding: And that writs for the electing of members to serve in the General Assembly, for each of the said parishes, shall be issued in the same manner and at the same times as for the several other parishes in this Province, according to the directions of the Act entitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said House."

Election of
members of
Assembly.B. SMITH, *Speaker*.*In the Council Chamber, the 21st day of May, 1757.**Assented to:* WM. HENRY LYTTTELTON.

AN ACT for making and keeping in repair a road across the parish of St. Paul, from the south to the north boundary thereof, and a bridge across the south branch of Edisto river, and a road and causeway leading thereto, and appointing commissioners to execute the same. No. 859.

(Passed May 21, 1757. *See last volume.*)

AN ACT for incorporating the Winyaw Indico Society.

No. 860.

(Passed May 21, 1757. *See last volume.*)

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No. 861. *AN ACT FOR CONTINUING PART OF AN ACT ENTITLED "An Act for the erecting and supporting of a Beacon, near the bar and harbor of Charlestown, and for placing Buoys on or near the said bar, for the use of ships and other vessels coming to the port of Charlestown;" AND FOR CONTINUING AND AMENDING ANOTHER ACT COMMONLY CALLED THE GENERAL DUTY LAW, FOR THE TERM THEREIN MENTIONED; AND FOR SUPPLYING THE DEFECTS IN THE EXECUTION OF ANOTHER ACT ENTITLED "An Act for making more effectual an Act of the General Assembly of this Province, entitled An Act for founding and erecting, governing, ordering and visiting a Free School at the town of Dorchester, in the Parish of St. George, in Berkley county, for the use of the inhabitants of the Province of South Carolina."*

WHEREAS, an Act of the General Assembly of this Province entitled "An Act for the erecting and supporting of a beacon near the bar and harbor of Charlestown, and for placing buoys on or near the said bar, for the use of ships and other vessels coming to the port of Charlestown," passed the thirty-first day of May, in the year of our Lord one thousand seven hundred and fifty, is found by experience to be a wholesome and beneficial law to the trade and navigation to and from this Province, and the said Act is near expiring; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq. Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the said Act entitled "An Act for the erecting and supporting of a beacon near the bar and harbor of Charlestown, and for placing buoys on or near the said bar, for the use of ships and other vessels coming to the port of Charlestown," passed the thirty-first day of May, one thousand seven hundred and fifty, except only such part or parts thereof as directs a beacon to be erected on Commyn's Island, be, and it is hereby continued and enacted to be and remain in full force and virtue, for and during and unto the full end and term of eight years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

II. *And whereas*, the several sums of fifteen thousand pounds heretofore granted for the building of St. Michael's parish church in Charlestown, with the additional sum of three thousand five hundred pounds paid for that purpose out of the beacon and pest house fund, and the sum of twenty-five thousand pounds likewise granted for the building of a State House in Charlestown, for the service of this Government, and the annual sums of five thousand pounds also granted for repairing the old and building new fortifications in this Province, are expended or near expended on the said several and respective buildings and works, and are found insufficient for finishing and completing the same: And forasmuch as the inhabitants of this Province have lately been burdened with very heavy and uncommon charges for putting this Colony into a posture of defence, assisting other of his Majesty's Colonies, and for preserving friendship with the several Indian nations contiguous to and in alliance with this Government, and supporting of

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the government of this Province, which charges during the present war are more likely to increase than be diminished, so that it is now become necessary so raise the further sums of thirteen thousand one hundred and fifty-six pounds eighteen shillings and ten pence, for compleating the said church steeple and spire of St. Michael's parish, Charlestown, and also the sum of twelve thousand and five hundred pounds, for compleating the said State House, by such ways and means as will be least felt by the said inhabitants, which it is conceived will be by continuing the taxes on the purchasers of negroes and other slaves imported, and the duties on liquors and other goods and merchandize imported from the British plantations in America, and the duties on sundry goods, wares and merchandize exported from this Province, for a further number of years, and applying part of the said taxes and duties, together with the sum of four thousand nine hundred and seventy-nine pounds four shillings and eight pence, now remaining in the treasurer's hands, and being part of the one-fifth part of the tax imposed on the first purchasers of negroes and other slaves imported by the general duty law, and since appropriated for the building a pest house and erecting a beacon, toward the compleating the said church steeple and spire, and the said State House, and for carrying on the said fortifications in manner hereinafter mentioned and ascertained: And whereas, the said general duty law will expire in four years or thereabouts, unless the same shall be continued, *Be it therefore enacted* by the authority aforesaid, That the said general duty law, entitled "An Act for the better strengthening of this Province by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported, from payment of the tax, and the liquors and other goods and merchandize from the duties imposed by any former Act or Acts of the General Assembly of this Province," passed the fourteenth day of June, in the year of our Lord one thousand seven hundred and fifty-one, except only such part or parts thereof as hath been altered already by any subsequent Act or Acts of the General Assembly of this Province, or shall be altered or amended by this present Act, be, and it is hereby continued and enacted to be, of full force and virtue, for and during and unto the full end and term of five years from and after the fourteenth day of June, which will be in the year of our Lord one thousand seven hundred and sixty one, and from and after the said term, to the end of the next session of the General Assembly after, and no longer.

III. *Provided always, and be it further enacted* by the authority aforesaid, That nothing in the said Act contained shall extend or be construed to extend to impose any duty upon any raw hides imported into this Province that shall afterwards be re-shipped and exported again out of the same.

IV. *And be it further enacted* by the authority aforesaid, That over and above the said sum of three thousand five hundred pounds, heretofore paid by the treasurer, shall be further paid by him out of the monies appropriated for building a pest house and erecting a beacon, unto the commissioners for building, finishing and compleating the said parish church steeple and spire of St. Michael's, Charlestown, the said sum of four thousand nine hundred and seventy-nine pounds one shilling and eight pence, and that the same shall be applied by the said commissioners for building of the said church steeple and spire, for those uses and purposes, and to and

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V. And whereas, it has been found impracticable and unsafe to build or erect a beacon either on Sullivan's Island or Commyn's Island, there being no foundation except sand, and it hath been also found that the spire of the said steeple of the church of St. Michael's parish doth in a great measure answer the end and purpose of a beacon to vessels coming on this coast, and a pest house being already built and erected on Sullivan's Island aforesaid, *Be it therefore enacted* by the authority aforesaid, That out of the one-fifth part of the neat sum arising by the said tax imposed by the said general duty law on the first purchasers of negroes and other slaves imported, which by an Act of the General Assembly of this Province entitled "An Act for applying that fifth part of the tax imposed by the general duty law on the first purchasers of negroes and other slaves imported, which was applied as a bounty to be given for the building of ships, and as an encouragement to ship-wrights and caulkers to become settlers in this Province, to the uses therein mentioned, and for building a pest house and erecting a beacon, and for appointing and empowering commissioners to execute the same, and to purchase a piece of land convenient for those purposes; and for purchasing a piece of land in Charlestown, and for building another powder magazine thereon," passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four, was appropriated for the building a pest house and erecting a beacon or land mark, and for purchasing a piece of land convenient for those purposes, and which hath come into the hands of the said treasurer since the twenty-ninth day of September last, and shall hereafter come into his hands by virtue of the said general duty law, shall be further paid to the said commissioners for building the said church steeple and spire of St. Michael's parish, Charlestown, to be by them applied for compleating the said church steeple and spire, and to and for no other use or purpose whatsoever, the sum of eight thousand one hundred and seventy-seven pounds fourteen shillings and two pence, which by an estimate made of the charges of the said building, will be sufficient to compleat the same.

VI. *And be it further enacted* by the authority aforesaid, That all the monies that shall arise or accrue by the continuance of the taxes and duties laid and imposed by the said general duty law, shall be, and are hereby, appropriated and applied in the same manner, and to the same uses and purposes, as by the said Act, and an Act for altering and amending the said Act, made the seventh day of October, one thousand seven hundred and fifty-two, are directed and appointed, and to and for no other use or purpose whatever, except the application of the sum of one thousand and five hundred pounds per annum, for the building of a new church in Charlestown, and except also the application of the further sum of two hundred pounds per annum, for the building of a parsonage house upon part of the old church yard in the said town, which said several sums of one thousand and five hundred pounds per annum, and two hundred pounds per annum, shall be appropriated and applied in the manner as hereinbefore and hereinafter is directed; any thing contained in the said general duty law notwithstanding.

VII. *And be it further enacted* by the authority aforesaid, That for supplying monies to carry on and compleat the building as well of the said parish church of St. Michael, Charlestown, and the steeple and spire thereof, as the said State House, the respective commissioners for the time being, or the major part of them, as occasion shall require, shall make

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application to the Governor or Commander-in-chief of this Province for the time being, who is hereby desired and impowered, upon such application, with the advice of his Majesty's Council, to issue his warrant to the public treasurer for the time being, for the payment of so much money to the said respective commissioners as may be wanted, not exceeding the sum of eight thousand one hundred and seventy-seven pounds fourteen shillings and two pence, to the said commissioners for building and finishing the said parish church steeple and spire of St. Michael's, Charlestown, and the sum of twelve thousand five hundred pounds to the said commissioners, for building and finishing the said State House, in the whole, until the said respective sums of eight thousand one hundred and seventy-seven pounds fourteen shillings and two pence, and twelve thousand five hundred pounds, shall be wholly paid out, with directions in the said warrants respectively, that if there shall not be cash in the fund or funds hereby appropriated for the said buildings respectively, sufficient to answer such warrants, and any person or persons who have supplied or shall be willing to supply any materials for the uses of the said buildings respectively, or have done or shall be willing to do the workmanship thereof, and is or are content to stay for payment until the said fund or funds shall be in cash, to answer his or their demands, then and in such case the said public treasurer shall give a certificate or certificates to the person or persons employed by the said commissioners respectively, or furnishing any materials for the said respective buildings, for the sum or sums to them respectively due, or for such part thereof as the said persons shall require, not less than ten pounds, which certificate shall be countersigned by two at least of the said commissioners respectively, who shall keep an account of the same: and that the person or persons which shall be possessed of such certificates may not be kept out of his or their money, as soon as any monies of the said taxes and duties hereby appropriated shall come into the hands of the said treasurer, he is hereby strictly enjoined and required to give public notice thereof by advertisements posted up in the most conspicuous places in Charlestown, that the possessor or possessors of such certificates may bring in the same and receive the money due thereon; and the said treasurer shall cancel such certificate or certificates so brought in as soon as he shall receive them.

VIII. *And be it further enacted* by the authority aforesaid, That whatever surplus shall be remaining of the said one-fifth part of the tax imposed on the first purchasers of negroes and other slaves imported, after paying the sum of eight thousand one hundred and seventy-seven pounds fourteen shillings and two pence for finishing St. Michael's church as aforesaid, and of the duties on the commodities enumerated in the said general duty law, after paying the several demands and outgoings by the said Act and this present Act directed, every such surplus shall be carefully retained by the public treasurer until appropriated by the General Assembly.

IX. And whereas, a sufficient number of the commissioners appointed by an Act of the General Assembly of this Province, passed the nineteenth day of March, in the year of our Lord one thousand seven hundred and fifty-six, entitled "An Act for making more effectual an Act of the General Assembly of this Province entitled an Act for founding and erecting, governing, ordering and visiting a free school at the town of Dorchester, in the parish of St. George, in Berkley county, for the use of the inhabitants of the Province of South Carolina," through sickness or other unavoidable accident, did not meet at the time and place limited in the said Act, whereby they are appointed, and proceed to the choice of a

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President, according to the direction of the same, whereby doubts have arisen whether the said commissioners may lawfully meet at any other time and proceed to the election of a president and the execution of the several powers and authorities with which they are invested by the said recited Acts; for the obviating and clearing which doubts, *Be it enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners appointed by the said Act, passed the nineteenth day of March aforesaid, and such others who shall hereafter be appointed commissioners according to the direction thereof, or any five of them, to meet in the vestry room of the parish of St. George, Dorchester, on the twenty-second day of June next after the passing of this Act, or within ten days thereafter, and proceed to the choice of a president, and in all respects to put in execution and carry on the several powers and authorities, matters and things, comprised in the said recited Acts, as fully and effectually, to all intents and purposes, as if the said commissioners had met and proceeded agreeably to the directions of the said Act of the nineteenth of March aforesaid.

X. And that the like question may not be made hereafter, in regard to the meeting of the said commissioners, or such others as shall be appointed pursuant to the said Acts, *Be it further enacted* by the authority aforesaid, That in case a sufficient number of the said commissioners shall not at any time hereafter meet at the church aforesaid, on the particular day or days mentioned in the said Act of the nineteenth of March aforesaid, for carrying on the several matters and things contained in the same, and in the said Act therein recited, it shall be lawful for any two of the said commissioners who shall meet at such time or times, to adjourn the board of commissioners from day to day, until a board shall be made by the said commissioners or any five of them, and that the said commissioners, or any five of them, who shall meet according to such adjournment, at the parish church aforesaid, may then and there proceed in and carry on the several matters and things comprised in the said recited Acts, in the same manner and as fully and effectually as if they had met at the time for that purpose limited in the said Act, passed the nineteenth of March aforesaid.

B. SMITH, *Speaker*.

In the Council Chamber, the 21st. day of May, 1757.

Assented to: WILLIAM HENRY LYTTTELTON.

No. 862. AN ACT to empower certain Commissioners therein mentioned, to keep clean and in good repair the Streets of Charlestown.

(Passed May 21, 1757. See last volume.)

No. 863. AN ACT TO APPOINT AND ESTABLISH NEW LISTS OF JURYMEN, TO BE DRAWN BY BALLOT IN THIS PROVINCE.

Preamble. WHEREAS, no lists of jurymen to serve as jurors at the several courts of record established by law in this Province, have been appointed since the fourth day of May, in the year of our Lord one thousand seven hundred and fifty-one, whereby the number now remaining on the jury lists

are not sufficient for the service; we therefore humbly pray his most sacred Majesty that it may be enacted,

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I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the several persons whose names are in the several lists or schedules hereunto annexed (and no other person or persons whosoever) shall be drawn by ballot, impannelled, summoned and obliged to serve as jurymen at the several courts of record by law established in this Province, and in such manner and form as directed and prescribed by the laws of this Province, (that is to say) that the several persons whose names are inserted in the first schedule or list hereunto annexed, entitled a list of grand jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all grand juries at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, to be holden in Charlestown. And the several persons whose names are inserted in the second schedule or list hereunto annexed, entitled a list of petit jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests whatsoever, at any of the courts of record that shall at any time hereafter be holden in Charlestown aforesaid. And the several persons whose names are inserted in the third schedule or list hereunto annexed, entitled a list of special jurymen, being inhabitants of the parishes of St. Philip or St. Michael, shall be drawn by ballot, impannelled, summoned and obliged to serve on all juries and inquests at the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, and courts of common pleas, and all forcible entries, and at all special courts for transient persons, (and at no other courts whatever,) hereafter to be holden in this Province; any law, usage or custom to the contrary thereof in any wise notwithstanding.

No person to serve as juror but those named in the several lists.

To be drawn by ballot,

II. *And be it further enacted* by the authority aforesaid, That the chief justice, public treasurer, and coroner of Berkley county, shall, within ten days next after the passing of this Act, take out of the jury box and burn or otherwise destroy the pieces of paper whereon the names of the persons formerly appointed by law to serve as jurymen are written, and shall within the time aforesaid cause to be written on other small pieces of paper, of an equal size and bigness, the names of all the persons hereby appointed to serve as jurymen, with the parish in which each person doth live and reside, and having first diligently compared them with the list or schedule hereto annexed, shall cause them to be put in the same or some other box or chest to be prepared for that purpose, with six divisions or partitions made therein, and the number of each division marked upon the cover of the same, observing the method following: that is to say, the names of all the persons contained in the schedule or list hereunto annexed, entitled a list of grand jurymen, shall be put into the division of the said box numbered one; and the names of all the persons contained in the schedule or list hereunto annexed, entitled a list of petty jurymen, shall be put in the division of the said box numbered three; and the names of all the persons contained in the schedule or list hereunto annexed, entitled a list of special jurymen, shall be put into the division of the said box numbered five.

Mode of drawing juries.

III. *And be it further enacted* by the authority aforesaid, That the persons hereby appointed to serve on juries shall be drawn according to the method prescribed by the laws now of force in this Province, and shall be subject and liable to all the duties, pains and penalties which are

Officers exempted,

A. D. 1757.

Challenges
allowed.

enjoined and inflicted on jurymen by the said laws. Provided always, that nothing in this Act contained shall be construed, deemed or taken to oblige any person or persons who heretofore have been, now are, or hereafter shall be members of his Majesty's council, judges or assistant judges in any of the courts of this Province, or members of the Assembly, and officers of any of the courts of justice, during the time they shall be members, and during their continuance in such offices, or any person or persons exempted by the laws and statutes of Great Britain, or by any law of this Province, to serve as jurymen; or to debar or preclude any person or persons from challenging or excepting against any juror or jurors, where by the laws of Great Britain he or they might have been admitted so to do; challenges to the array, in respect of partiality, affinity or consanguinity of the Provost Marshal, excepted.

(The lists of names of the Jurors is omitted.)

B. SMITH, *Speaker.*

In the Council Chamber, the 21st day of May, 1757.

Assented to: WM. HENRY LYTTTELTON.

No. 864. **AN ORDINANCE** APPOINTING A COMPTROLLER OF THE COUNTRY DUTIES FOR THE PORT OF GEORGETOWN, WINYAW.

WHEREAS, Mr. Thomas Hassell, the late comptroller of the country duties for the port of Georgetown, Winyaw, is deceased, and it is necessary that some other fit person should be appointed in his room;

I. *Be it therefore ordained*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Thomas Blythe, Esq. be, and he shall and is hereby declared and ordained to be, comptroller of the country duties for the port of Georgetown, Winyaw, to all intents and purposes whatsoever, and that he have and receive all the fees, perquisites and emoluments to the said office appertaining or belonging,

B. SMITH, *Speaker.*

In the Council Chamber, the 21st day of May, 1757.

Assented to: WM. HENRY LYTTTELTON.

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No. 865.

AN ACT for raising and granting to his Majesty the sum of one hundred thousand four hundred and thirty-one pounds thirteen shillings and ten pence half penny, and for applying thirteen thousand one hundred and eight pounds eleven shillings and nine pence (being the surplus of taxes and the balance of several funds in the public treasury of this Province) making together the sum of one hundred and thirteen thousand five hundred and forty pounds five shillings and seven pence half penny, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-six, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-seven, exclusive; and for other services therein mentioned.

(Passed May 21, 1757. *Omitted.*)

AN ACT granting to his Majesty an aid of one hundred and sixty thousand pounds current money, to defray the expense of raising, cloathing and maintaining for one year a regiment, to consist of seven companies of soldiers, each to be composed of one hundred men, besides officers, five of which companies to be employed as well in the immediate defence of South Carolina as in the general service of North America, and the other two companies to be employed wholly in the service of this Government; and to discharge the arrears due to the Provincials garrisoned at Fort Loudoun, and to pay for six months provisions for the said Provincials; and granting his Majesty the further sum of forty-four thousand three hundred pounds, for fortifying Charlestown and repairing and strengthening of Fort Johnson; and for stamping orders for the more expeditious issuing of the said sums, together with the further sum of twenty-five thousand pounds, heretofore granted to his Majesty for the use of the fortifications, and providing funds to call in and sink the said orders, within the times therein limited.

(Passed July 6, 1757. *Omitted.*)

AN ORDINANCE APPOINTING MORTON BRAILSFORD, ESQ. CONTROLLER OF THE COUNTRY DUTIES IN THE PROVINCE OF SOUTH CAROLINA, THE PORTS OF GEORGETOWN, WINYAW, AND BEAUFORT, PORT ROYAL, EXCEPTED. No. 867.

WHEREAS, Samuel Bowman, Esq., late controller of the country duties in this Province, is deceased;

I. *Be it therefore ordained*, by his Excellency William Henry Lyttelton, Esq., Governor-in-chief and Captain General in and over the Province South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Morton Brailsford shall be, and he is hereby nominated and appointed, controller of the country duties in the Province of South Carolina, the ports of Georgetown, Winyaw, and Beaufort, Port Royal, excepted; and that he shall have and receive the salary and all

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fees and perquisites to the said office belonging or in any wise appertaining; and shall be first sworn before any one of his Majesty's justices of the peace in this Province, who is hereby empowered and required to administer such oath, well, truly and faithfully to execute and discharge the said office; and shall enter into bond to his Majesty, his heirs and successors, for the use of this Province, in the penalty of one hundred pounds proclamation money, for the faithful execution of the said office, with a duplicate of the same, one of which shall be lodged in the Secretary's office of this Province, and the other with the Speaker or Clerk of the Commons House of Assembly, for the time being.


B. SMITH, *Speaker*.*In the Council Chamber, the 23rd day of November, 1757.**Assented to: WM. HENRY LYTTTELTON.*

No. 868. *AN ACT TO REVIVE AND CONTINUE SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE, AND FOR AMENDING SOME OF THE SAID ACTS, IN THE MANNER THEREIN MENTIONED.*

Preamble.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired, or near expiring, and it is found necessary to revive and continue the same, as well as to amend some of the said laws; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That an Act intituled "An Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act intituled 'An Act for the further security and better defence of this Province,'" passed the thirteenth day of June in the year of our Lord one thousand seven hundred and forty-seven; and also for amending in the said Act for the better regulating of the militia of this Province, contained in an Act intituled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned, and amending one of the said Acts intituled 'An Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia,'" and for repealing an Act intituled "An Act for the further security and better defence of this Province," passed the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five, *be it further enacted* by the authority aforesaid, That the militia in Charlestown be trained, mustered and exercised eight times in the year during the continuance of the present war, in such manner, and under such regulations and penalties as are prescribed by the said Act, any law, custom or usage to the contrary notwithstanding; and also one other Act intituled "An Act to regulate the price and assize of bread," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and forty-nine; and also another Act intituled "An Act for regulating the making of dams and banks for reserving water, where the same may affect the properties of other persons," passed the twenty-ninth day

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of May, in the year of our Lord one thousand seven hundred and forty-four; and also another Act intituled "An Act for the establishing of a market in the parish of St. Philip, Charlestown, and for preventing engrossing, forestalling, regrating and unjust exactions in the said town and market," passed the eleventh day of April in the year of our Lord one thousand seven hundred and thirty-nine; and also another Act intituled "An Act for making more useful Fort Johnson and Fort Frederick, and the several lookouts that now are or shall hereafter be kept or established near any of the inlets in this Province," passed the fifth day of April, in the year of our Lord one thousand seven hundred and forty; and also another Act intituled "An Act for rendering and making the office of a constable more easy and less expensive to the person appointed," passed the eight day of March, one thousand seven hundred and forty-one; and also an Act intituled "An additional Act to an Act intituled 'an Act for the better regulating taverns and punch houses,'" passed the eighth day of March, one thousand seven hundred and forty-one; except the latter part of the eleventh paragraph, for applying the monies arising by tavern licences, which instead of paying the watch and guard in Charlestown, or any other use or uses whatsoever, shall, and is hereby enacted to be, henceforward appropriated and applied to and for such uses and purposes as the General Assembly of this Province may from time to time direct and appoint; *provided*, and be it enacted by the authority aforesaid, that the Governor or Commander-in-chief of this Province, for the time being, with the advice and consent of his Majesty's Council, may limit the number of tavern licences to be granted in this Province, whenever it shall be necessary; any thing in the said additional Act to the contrary notwithstanding: and also another Act intituled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing the several commodities and merchandize in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also another Act intituled "An Act for the better establishing and regulating of patrols in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also one other Act intituled "An Act for licenceing hawkers and pedlars and petty chapman, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven; and also one other Act intituled "An Act concerning masters and apprentices," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and forty; and also one other Act intituled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," passed the seventh day of May, in the year of our Lord one thousand seven hundred and forty-three; and also one other Act intituled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty, except such parts of the last above mentioned Act as were repealed, altered or amended by a subsequent Act intituled "An Act to prevent the inveigling, stealing and carrying away negroes and other slaves in this Province, and to prevent the carrying away of schooners or petty-saugers, and also for repealing so much of an Act intituled 'An Act for the better ordering and governing negroes and other slaves in this Province, as relates to the time within which such offenders that are apprehended shall be tried, and giving the justices and freeholders a power to postpone the trial

A. D. 1757. of such offenders," passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four; and by another Act intituled "An additional and explanatory Act to an Act of the General Assembly of this Province intituled 'An Act for the better ordering and governing negroes and other slaves in this Province,' and for continuing such part of the said Act as is not altered or amended by this present Act, for the term therein mentioned," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also the said additional and explanatory Act last above mentioned; and also one other Act intituled "An Act for appropriating the duties imposed by law on goods, wares and merchandize imported into and exported out of the port of Beaufort, Port Royal, for the term therein mentioned, towards building and keeping in repair a pilot boat or boats, to attend the bar of the harbour of the said port, and for the better settling and regulating the pilotage of the said harbour, and for appointing a comptroller and receiver of the country duties for the said port, and for obliging all ships and other vessels, trading to the said port, to pay powder money," passed the sixteenth day of May, in the year of our Lord one thousand seven hundred and fifty-two, except such parts of the sixth paragraph of the said Act, last above mentioned, as relate to the appointment of Charles Purry, as comptroller, and Samuel Hurst, as receiver of the country duties, for the said port of Beaufort, both of which persons are deceased and others have been appointed in the said places; and also such part of one other Act intituled "An Act for appointing commissioners to lay out a road or causey over Lynch's island, situate on Santee river, and for establishing the ferries therein mentioned," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, as relates to the several ferrys which are established by the said Act; and also one other Act entitled "An Act for amending an Act intituled 'An additional and explanatory Act to an Act intituled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof,'" passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one, except such parts of the same as were repealed, altered or amended in and by two other subsequent Acts, passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four, the one entitled "An Act for ascertaining the district for cutting, cleansing and keeping in repair the creek or cut commonly called the Hawl-Over," and the other intituled "An Act appointing commissioners for repairing and keeping in repair the bridge over Combahee river, from the causey to the town of Radnor, and commissioners for re-building and keeping in repair the bridge over Wappoo Creek in the parish of St. Andrew, and declaring the said bridge and Hooper's bridge in the said parish of St. Andrew, to be parish bridges, and appointing commissioners for the said bridge"—be, and are hereby declared to be, revived, continued and enacted, to be of full force and virtue for and during and unto the full end and term of five years from and after the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

II. And whereas, Fort Frederick is gone to decay, and a new fort has been lately constructed near Beaufort, which is known by the name of Fort Lyttelton, *Be it therefore enacted*, That every boat or vessel shall conform to the same rules and directions when passing Fort Lyttelton, which are prescribed in and by the said account, to be conformed to

when passing Fort Frederick; and the commanding officer of Fort Lyttelton, for the time being, is hereby fully invested with the same powers and authorities respecting the discharge of his duty as the commanding officer of Fort Frederick, aforesaid, in and by the said Act intitled "An Act for making more useful Fort Johnson and Fort Frederick," &c. was formerly invested with.

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III. *And be it further enacted* by the authority aforesaid, That one other Act of the General Assembly of this Province, intitled "An Act to encourage the making of flax and hemp, in the Province of South Carolina," passed the 13th day of April, in the year of our Lord one thousand seven hundred and fifty-six, be, and is hereby revived and continued for three years from and after the passing of this Act; except only such part of the said Act as gives a premium of twenty shillings proclamation money, for every hundred pounds weight of well dressed merchantable hemp, in lieu of which bounty shall henceforth be paid only six shillings for every hundred pounds weight of such hemp as aforesaid.

B. SMITH, *Speaker*.

[This Act contains no authentication by the Governor, and no date except by some person who has been employed in arranging the Acts and has put the date on the outside. It is probably the copy of an Act not now to be found.—EDITOR.]

**AN Additional ACT TO THE ACTS FOR THE BETTER RELIEF OF THE No. 869.
POOR OF THIS PROVINCE.**

WHEREAS, by an Act for the better relief of the poor of this Province, made the twelfth day of December, one thousand seven hundred and twelve, amongst other things it is enacted, That once in a year, at any time within two months after Easter, it shall and may be lawful for the respective vestry of each parish to order three sober and discreet persons to assess such sum as shall be necessary to reimburse the church wardens and overseers of the poor, the money they have expended the preceding year for the relief of the poor, and also twenty pounds over, to remain as a fund in the hands of the church wardens and overseers of the poor, for the relief of the poor for the ensuing year; which sum of twenty pounds being found insufficient for the purpose, another Act was made the eighteenth day of December, one thousand seven hundred and thirteen, entitled "An Additional Act to an Act entitled 'An Act for the better relief of the poor of this Province,'" whereby it is enacted that it shall be lawful for the vestry of St. Philip's, Charlestown, once in the year, at any time within two months after Easter, to order such sum to be assessed, according to the above recited Act, as shall be necessary to reimburse the churchwardens and overseers the money they have expended the preceding year for the relief of the poor, and also any further sum, not exceeding seventy pounds over, to remain as a fund in the hands of the churchwardens and overseers of the poor, for the relief of the poor for the year ensuing; and whereas, by reason of the great number of poor who are always in Charlestown, the said sum of seventy pounds is not a fund near sufficient for relief of the said poor the ensuing year, but that a much larger sum is requisite for the same; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

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Further assessment allowed.

1. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall be lawful for the vestry of the parish of St. Philip, Charlestown, at such times as they shall order an assessment to be made, pursuant to the directions of the Act first above recited, for reimbursing the churchwardens and overseers the money by them expended the preceding year, also to order to be assessed any further sum, not exceeding the value of two hundred pounds proclamation money over, to remain as a fund in the hands of the churchwardens and overseers of the poor, for relief of the poor of the parishes of St. Philip and St. Michael, Charlestown, for the year ensuing; any thing in either of the above recited Acts contained to the contrary thereof in any wise notwithstanding.

Increase of penalties.

II. And whereas, the penalties inflicted by the said recited Acts on the churchwardens and overseers of the poor are so small that the persons appointed would rather pay the same than undertake the service; *Be it therefore further enacted*, by the authority aforesaid, That any person chosen and appointed to be a churchwarden or overseer of the poor in any parish in this Province, who shall refuse to serve in either of the said offices, instead of the penalties inflicted by any former Act, shall forfeit the sum of ten pounds proclamation money, two thirds of which forfeiture shall be paid into the hands of the churchwardens or overseers of the poor of the parish where the offence shall be committed, to be disposed of toward the relief of the poor, and the other third to him or them who will inform and sue for the same, by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoin, privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance. Provided always, that no person shall be obliged to pay the said forfeiture, or be liable to serve in either of the said offices, oftener than once in seven years; any usage or custom to the contrary notwithstanding.

B. SMITH, *Speaker*.*In the Council Chamber, the 19th day of May, 1758.**Assented to:* WM. HENRY LYTTTELTON.

No. 870. AN ACT establishing a Road lately laid out from Tippi-cut Law Old Field, in St. John's Parish, to Murray's ferry road, in St. Stephen's Parish, and for discontinuing such part of Murray's ferry road as is therein mentioned.

(Passed May 19, 1758. *See last volume.*)

No. 871. AN ACT for establishing a Ferry from Hooping Island to Boone's Island, and to open a communication from thence to the high road on Edisto Island.

(Passed May 19, 1758. *See last volume.*)

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**AN ACT IMPOWERING MAGISTRATES TO ENLIST VAGRANTS IN THE
SOUTH CAROLINA REGIMENT.**

No. 872.

WHEREAS, an Act was made the sixth day of July, in the thirty-first year of his present Majesty's reign, for raising a regiment in the pay of this Government of South Carolina, to consist of seven hundred men, besides officers, which regiment is far from being compleated; and whereas, the empowering of magistrates to enlist vagrants will tend not only to the speedy compleating of the said regiment, but may render such vagrants (who at present are but burthensome and injurious to the industrious inhabitants) beneficial to the community, in defending the Province; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq. Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all idle, lewd, disorderly men, who have no habitations or settled place of abode, or no visible way or means of maintaining themselves, all sturdy beggars, and all strolling or straggling persons, shall be, and they are hereby deemed and declared to be, vagrants, and as such shall be liable to be enlisted and serve in the South Carolina regiment, in the manner hereinafter directed and appointed.

Who are
vagrants.

II. *And be it also enacted* by the authority aforesaid, That within one month after the passing of this Act, all persons whosoever having a warrant under the hand and seal of any justice of the peace for that purpose, provided that such justice is not an officer in his Majesty's army, shall have power and authority, and they are hereby fully authorized and empowered, to apprehend and take up any such vagrant in any part of this Province, and to carry him forthwith to the next justice of the peace, to be dealt with in the manner hereinafter directed.

All persons
having war-
rants may
apprehend
vagrants.

III. *And be it also enacted* by the authority aforesaid, That every justice of the peace in this Province, not being an officer in his Majesty's army, shall be obliged, and he is hereby enjoined and required, upon receiving information of any vagrant being in his county, forthwith to issue his warrant, directed to any lawful constable, or to any other person in the absence of the constable, requiring him to apprehend such vagrant, and to carry him before such justice or any other justice of the peace of the same county; and the constable to whom such warrant shall be directed, or other person in the absence of the constable, shall be, and he is hereby, obliged and required to execute the same.

Justices of
peace may
issue a warrant
to apprehend
a vagrant.

IV. *And be it also enacted* by the authority aforesaid, That when any vagrant (apprehended upon a warrant as aforesaid) shall be brought before any justice of the peace, he shall immediately summon two neighboring freeholders, who are hereby required to attend such justice forthwith, which justice and freeholders so assembled shall examine into the matter, and if they, or any two of them, shall be of opinion that such person so brought before them is a vagrant, within the intent and meaning of this Act, they shall forthwith deliver such vagrant to the nearest recruiting officer of the South Carolina regiment, with a certificate thereof under the hands of such justice and one or both of the said freeholders; and such recruiting officer shall cause such vagrant to be brought with the said certificate, as soon as conveniently may be, before the chief justice or any

Justice and two
freeholders to
constitute a
court for deci-
ding on va-
grants, who are
to serve three
years.

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two justices of the quorum in Charlestown, who shall re-examine the matter, and if he shall appear to be a vagrant as aforesaid, the said chief justice or justices of the quorum shall declare him to be enlisted as a private soldier in the said regiment, and not before, and his pay shall commence from the day he was first taken up, and he shall be liable to serve three years in the said regiment, if the same shall be so long continued.

Fees.

V. *And be it also enacted*, That the chief justice or justices of the quorum shall have a fee of thirty shillings current money for every vagrant they shall enlist, and the constable or other person who shall take up a vagrant as aforesaid, shall be paid the sum of seven shillings and six pence, with the accustomed fee of mileage, which, with the charges of conveying such vagrant to Charlestown, shall be defrayed out of the monies provided for paying the said regiment.

A public Act.

VI. *And be it also enacted* by the authority aforesaid, That this Act shall be, and is hereby declared to be, a public Act, of which all courts of judicature in this Province are to take notice without special pleading.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1758.

Assented to: WILLIAM HENRY LYTTTELTON.

No. 873. *AN ORDINANCE TO APPOINT MR. HENRY BEDON COUNTRY WAITER FOR THE PORT OF CHARLESTOWN.*

WHEREAS, Henry Kennan, who was formerly appointed country waiter for the port of Charlestown, is removed into the country, and it is necessary that the person who enjoys that office should reside in the said town;

I. *Be it therefore ordained*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Mr. Henry Bedon be, and he is hereby appointed, country waiter for the port of Charlestown, in the room of the said Henry Kennan; and the said Henry Bedon shall have the same powers and authorities, and shall be entitled unto, receive and take the same fees and perquisites in the execution of his said office, and shall be subject and liable to the like penalties and forfeitures for neglect of duty, as former country waiters for the port of Charlestown have been entitled unto, taken and received, and are subject and liable unto; and the said Henry Bedon shall receive a salary of one hundred pounds per annum, currency, to be paid him yearly by the public treasurer, out of the duties arising on spirituous liquors and other goods and merchandizes imported into and exported out of the said port of Charlestown.

BENJAMIN SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1758.

Assented to: WM. HENRY LYTTTELTON.

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[The Editor has, for some years back, omitted the substance of the lengthy annual tax and appropriation Acts, where the subject matter and the clauses were so similar as to afford little variation and no information. It seems proper to resume the insertion of these Tax Acts for a few more years, as examples of this class of Acts, at renewed intervals.]

AN ACT FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF No. 874.

ONE HUNDRED AND SIXTY-SIX THOUSAND FOUR HUNDRED AND THIRTY-EIGHT POUNDS FOURTEEN SHILLINGS AND SEVEN PENCE FARTHING, AND APPLYING EIGHT THOUSAND AND SIXTY-NINE POUNDS THREE SHILLINGS AND SIX PENCE (BEING THE SURPLUS OF TAXES AND BALANCE OF A FUND IN THE PUBLIC TREASURY,) MAKING TOGETHER ONE HUNDRED AND SEVENTY-FOUR THOUSAND FIVE HUNDRED AND SEVEN POUNDS EIGHTEEN SHILLINGS AND ONE PENNY FARTHING, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND FIFTY-SEVEN, TO THE TWENTY-FOURTH DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT, AND FOR OTHER SERVICES THEREIN MENTIONED.

WHEREAS, by a schedule made of the charges of this Government for the year ending the twenty-fourth day of March, one thousand seven hundred and fifty-eight, and for other services in the said schedule mentioned, it appears that the sum of one hundred and seventy-four thousand five hundred and seven pounds eighteen shillings and one penny farthing, will be wanting for those purposes, for defraying whereof we, his Majesty's most dutiful and loyal subjects the Commons House of Assembly of this Province, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty, the said sum of one hundred and seventy-four thousand five hundred and seven pounds eighteen shillings and one penny farthing, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, mentioned, limited and appointed, and for no other use, intent or purpose whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a tax or sum of one hundred and sixty-six thousand four hundred and thirty-eight pounds fourteen shillings and seven pence farthing, current money of South Carolina, be imposed and levied on the several inhabitants and others interested in this Province, in the manner hereinafter mentioned; that is to say, the sum of thirty-five thousand four hundred and fifty pounds fourteen shillings and two pence three farthings, part thereof, on the inhabitants of the parishes of St. Philip and St. Michael; and the sum of one hundred and thirty thousand nine hundred and eighty-eight pounds and four pence half penny, residue thereof, on the several inhabitants of this Province without the said parishes; which said sum of one hundred and sixty-six thousand four hundred and thirty-eight pounds fourteen shillings and seven pence farthing, with the sum of eight thousand and sixty-nine pounds three shillings and six pence, (the surplus of tax and balance of a fund in the treasury) making together

Taxes to the amount of £166,438, 14s. 7d., to be levied.

Whole sum appropriated, £174,507, 18s. 14d.

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one hundred and seventy-four thousand five hundred and seven pounds eighteen shillings and one penny farthing, shall be applied to the use of his Majesty for the support of this Government, in manner as is herein-after mentioned.

Distribution of
taxation.

II. And for the more certain and effectual levying the said sum of one hundred and sixty-six thousand four hundred and thirty-eight pounds fourteen shillings and seven pence farthing, *It is hereby enacted and declared*, That the sum of thirty-six shillings, current money, per head, shall be levied on all negroes and other slaves whatsoever within the limits of this Province; and the sum of thirty-six shillings per hundred acres on all lands throughout the said Province (town lots without the limits of Charles-town excepted); and the sum of eighteen shillings on every hundred pounds of monies at interest in this Province; and at the rate of four per centum on all monies arising from annuities; and the sum of thirty-six shillings per head on all free negroes, mulattoes and mustees, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of two shillings and six pence per head on black cattle, (that is to say) upon all calves, exceeding thirty in number, raised, marked, branded or sold by any person in one year. Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish where such new settler resides, that he settled himself in this Province upon the encouragement given by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves, monies at interest, and black cattle as aforesaid, as other inhabitants do; any thing herein contained to the contrary in any wise notwithstanding.

Taxables to
render an
account on oath
or affirmation.

III. *And be it also enacted* by the authority aforesaid, That all persons whoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, black cattle as aforesaid, or monies for which they receive interest, in this Province, (lands whereon any churches or other buildings for divine worship, or for free schools, are erected or built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted) either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the first Tuesday in January next ensuing, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves do lie, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct or appoint for the doing thereof, so that the same be done on or before the said first Tuesday in January next; which oath or affirmation shall be in the following words, to wit, "I, A B, do swear (or affirm, as the case shall be) that the account which I now give in is a just and true account of all the lands and slaves, monies I have upon bond or other specialty, or note bearing interest, (which I believe to be good) over and above what I pay interest for, and annuities, which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever; and also of all the black cattle, (that is to say) calves which I have raised, branded, marked or sold, exceeding thirty in number, within twelve months last past, either belonging to myself or to any other

person or persons as aforesaid, according to the best of my knowledge or belief; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, empowered, enjoined and required to administer.

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IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever, shall be obliged to make return of his or her lands, slaves and monies at interest in the country, over and above what he or she pays interest for, and of his or her annuities and black cattle as aforesaid, to the inquirers and collectors for the parish or district respectively where such person lives or resides, and pay the taxes thereon to the said inquirers and collectors accordingly; and the inquirers and collectors of all and every the parishes and districts in this Province respectively, shall be, and they are hereby, fully authorized and empowered to issue executions against all and every person and persons in their respective districts, who have not paid their just proportion of the preceding tax.

Defaulters to be proceeded against.

V. And whereas, there are divers tracts of land, slaves, black cattle as aforesaid, and monies at interest, in this Province, held, owned or claimed by persons not resident here, who pay no tax or other charge toward the support of the government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attorneys or trustees of or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors of the parish or district where such attorney or trustee lives or resides, of all lands, slaves, black cattle as aforesaid, and monies at interest, belonging to such absent persons, for whom they are attorneys or trustees; and that such attorneys and trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such land, slaves, black cattle or monies at interest, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such, before the said tax is levied, unless such attorney shall make oath before the said collectors respectively, that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax; provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee; or the inquirers and collectors of the several parishes respectively where any lands lie which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and they are, and he is hereby, authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or other wood thereon, standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act, or to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding seven years, till the rents arising thereby shall be sufficient to pay the said tax, and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors, or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every

Attornies and trustees of non-residents to make returns

Attornies and trustees renouncing and resuming.

Inquirers and collectors may levy on the timber of non-residents lands.

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sale of such timber, lightwood or other wood, and leases of such lands, as aforesaid, shall be, and they are hereby declared, good and valid to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Lands of absent
persons to be
rated.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attorneys, trustee or trustees, legally constituted in this Province, that then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing within this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette, or by writing fixed at the church door of the parish where such lands are situate; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof from the time of the assessment made, shall not be paid to the inquirers, assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall have been given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom, to the contrary thereof in any wise notwithstanding.

Nomination of
inquirers and
collectors.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers, assessors and collectors for the several parishes and districts hereinafter mentioned respectively, viz. for the parish of Christ Church, John Fowler and William Cleland; for the parish of St. James Goose Creek, Benjamin Smith, William Withers and Charles Colleton; for the parish of St. John in Berkley county, Samuel Bonneau, James Ravenell and Gabriel Marion; for the parish of St. George Dorchester, Robert Dymes, Hugh Dowse and Hugh Grange; for the parish of St. Thomas and St. Dennis, Benjamin Marion, Noah Dutarque and William Saunders; for the parish of St. Andrew, (James Island excepted) Richard Lake and John Ernest Poyas; for that part of the said parish called James Island, Pringle Hamilton and Benjamin Stoe; for the parish of St. John, in Colleton county, viz. for John's Island, Thomas Hunscomb and John Stanyarne, (son of John); for Wadmelaw Island, Charles Bowler; for Edisto Island, William Maxwell; for the parish of St. Paul, (that is to say) for Stono and the East side of Pon Pon, Joseph Edings, Joseph Stanyarne, jr. and Samuel Spry; and for Beach Hill, in the said parish, David Stephens and John Vanmarinboff; for the parish of St. Bartholomew, Tobias Ford and Gideon Dupont; for Combee and Chehaw, in the said parish, Henry Hyrne, jr. and Samuel Lavington; for the parish of St. James Santee, Richard Withers and Francis Dechamp; for the parish of St. Stephen, Thomas Cooper and Isaac Dubose; for the parish of Prince George, Winyaw, Archibald Johnston, John Govan and John Green; and for the Welch Tract, Samuel Butler; for the parish of Prince Frederick, James Crockett, John Anderson and Francis Lessene; for the parish of St. Mark, John Picking and Matthew Nelson; for the parish of St. Helena, Port Royal, Francis Stuart, Wm. Hazzard and William Waite; for the parish of St. Peter, Purrysburgh, Elijah Brabant; for the parish of Prince William, Andrew Deveau and Benjamin Garden; for the town and township of New Windsor, upon Savanna river, and parts adjacent, Ulric Tobler; for the township of Amelia and adjacent places, William Seawright; and for Orangeburgh,

with the forks of Edisto river and the adjacent places, Gavon Pou; for the township of Saxe Gotha and the forks between the Congree and Wateree rivers and adjacent places, John Leslie, John Lee, John Kennelly and Isaac Pennington.

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VIII. *And be it also enacted* by the authority aforesaid, That Archibald Stobo, Robert Mackenzie and John Holmes, merchant, be and they are hereby appointed inquirers for the parishes of St. Philip and St. Michael; and that Charles Stevenson, William Scott, Charles Ogilvie, William Dandridge and John Jones, be and they are hereby appointed assessors and collectors for the said parishes of St. Philip and St. Michael.

IX. *And be it also enacted* by the authority aforesaid, That all persons whoever, living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, annuities or black cattle as aforesaid in this Province, in their own right or in the right of others, or are any wise liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in March next ensuing, or within ten days then next after at farthest, and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt, at which time the said inquirers, assessors and collectors for the several parishes respectively within this Province, shall close their accounts and shall deliver the same on oath, to the public treasurer for the time being, who is hereby impowered and required to administer such oath, and pay him all such monies as shall be by them respectively received in pursuance of the directions of this Act, without any deduction for commissions or any other pretence whatsoever, on or before the last Tuesday in March next ensuing; and the inquirers, assessors and collectors for each parish or district, shall make their return of each district respectively to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district, without the limits of St. Philip and St. Michael, shall give an account in writing upon oath as aforesaid, of their own lands and slaves, monies at interest, annuities and black cattle as aforesaid, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed.

Time of settlement and payment for taxables, inquirers and collectors.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, annuities, lands, slaves or black cattle as aforesaid, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

Penalty on concealment.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his, her or their account of monies at interest, annuities, lands, slaves or black cattle as aforesaid, to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in January next at farthest, he or they shall be deemed a defaulter or defaulters, and shall be by the inquirers and collectors doubly taxed for all his, her or their money at interest, annuities, lands, slaves and black cattle as aforesaid.

Defaulters who do not render an account.

XII. And whereas, divers persons living without the limits of the parishes of St. Philip and St. Michael, are possessed of divers houses, town lots, wharfs and tracts of land within the same, *Be it therefore enacted* by the authority aforesaid, That all such persons shall be rated for such houses, lots, wharfs and tracts of land as if they were actually resident in Charlestown; and all town lots and the improvements thereon, within the limits of Charlestown plat, and wharfs in or adjoining thereto, and tracts or lots of land within the parish of St. Philip, shall be rated at the discre-

Non-resident owners of lots in Charlestown.

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tion of the assessors in Charlestown; and the tenants living upon any such lots or tracts of land, shall be and they are hereby obliged, required and made liable to pay the tax for such lots or tracts of land, and shall and may discount the same out of the rents due or to grow due for the said lots or tracts of land.

Inquirers to
visit each house
in Charlestown
in person.

XIII. *And be it also enacted* by the authority aforesaid, That the inquirers for Charlestown are hereby ordered and directed to go once to the several houses of the inhabitants of the said parishes of St. Philip and St. Michael, of which they shall give previous notice in the Gazette, at least a week before they go to the houses of the said inhabitants, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities, monies at interest and black cattle as aforesaid, of the said inhabitants, which they shall be possessed of, interested in or entitled unto, either in their own right or in the right of any other person whatsoever, lying or being in the said parishes, and of all the lands, slaves and black cattle as aforesaid, which the inhabitants of the said parishes are possessed of, in their own right or in the right of any other person without the limits of the same, or in any other part of the Province, and the account of the real estates, slaves, black cattle as aforesaid, monies at interest and annuities of the said inhabitants, shall be returned to the said inquirers upon oath, in the manner hereinbefore directed; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for the said parishes, on or before the third Tuesday in January next; and the inquirers shall likewise extract and certify to the said assessors, all the lands, slaves and black cattle as aforesaid, given in to them by the owners and inhabitants of the said parishes, without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitant of the said town, in trust for persons living in the country; and all lands, slaves and black cattle as aforesaid, without the limits of the said parishes of St. Philip and St. Michael, annuities and monies at interest, returned in trust for persons living in the country, shall be reckoned as part of the country tax: Provided always nevertheless, that nothing hereinbefore contained shall extend or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares or merchandize consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or monies set apart for pious or charitable uses; and it is hereby declared that the several slaves belonging to the inhabitants of the said parishes of St. Philip and St. Michael, which have for six months last past been employed in the said parishes, shall be reckoned and accounted as part of the tax to be levied on the said inhabitants, and that all and every their lands, slaves and black cattle as aforesaid, without the limits of the said parishes, or in any other part of this Province, shall be reckoned and accounted as part of the country tax.

Time when
return is to be
made by the
inquirers.

Goods held on
consignment by
factors not tax-
able, nor if held
for charitable
uses.

Physicians and
Surgeons to
pay 18s. per
£100 of profits.

XIV. *And be it further enacted* by the authority aforesaid, That as well shall be rated by the inquirers, assessors and collectors in the several parishes where they live, for their stock in trade and the profits of their professions, after the rate of eighteen shillings for every hundred pounds upon the full value of such profits; and the monies arising thereby, as well as the tax imposed on persons having monies at interest, and annuities as aforesaid, without the limits of the said parishes of St. Philip and St. Michael, shall be paid to the collectors respectively, and be deemed

as part of the country tax ; and in such parishes where one of the inquirers, assessors and collectors shall happen to be a store-keeper, the other inquirer, assessor and collector shall be, and is hereby impowered to assess such store-keeper in the same proportion as other store-keepers are assessed at.

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XV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for the parishes of St. Philip and St. Michael, shall assess the lands upon Charlestown neck in St. Philip's parish, and the town lots, wharfs and buildings in Charlestown, according to the full value ; and likewise the profits of trades, factorage, faculties and professions, (the clergy excepted) and every person's stock in trade, (that is to say) wares, merchandize, bonds, other specialties or notes not bearing interest, and book debts of persons in trade, shop-keepers and others, according to the full value of what they shall judge such profits of trades and stock in trade as aforesaid shall amount to, and shall assess and levy the sum of eighteen shillings upon every hundred pounds value of the said lands, buildings, wharfs and profits of trades and stock in trade as aforesaid, according to the estimate by them made of the value of the same.

Directions for
assessments in
Charlestown.

XVI. *And be it also enacted* by the authority aforesaid, That every person, as well those who pay tax in Charlestown, as store-keepers and others in the country, who shall have reason to believe he or she is over-rated, or whose attorney or attornies shall have reason to believe that he or she is over-rated for the profits of his or her trade, employment, factorage, faculty, or profession, or for his or her stock, or houses and lands, by such assessors, shall have five days public notice given by the assessors or collectors, at the guard house in Charlestown, or at any other public place in the country, for that purpose, to swear off so much as he, she or they, or his or their attorney or attornies shall think they are over-rated, before the said assessors or collectors as aforesaid ; and the said assessors or collectors, or any one of them, are hereby impowered to administer such oath and to allow of an abatement accordingly.

Appeal given
to persons over
rated.

XVII. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, to wit : " You, A B, C D, and E F, do swear that the account you now give in is a just and true account of all the real estates, slaves, black cattle as aforesaid, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael, and also of all the real estates, slaves, black cattle, annuities and monies at interest returned to you by the said inhabitants, which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge : So help you God."

Oath to be
taken by
inquirers,

XVIII. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid to the said assessors and collectors, of their own real estates, slaves, black cattle, as aforesaid, annuities and monies at interest, in this Province. And any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown the third Tuesday in January next, and there continue to sit until they have finished the calculation of the value of the estates in the said town and in Ansonburgh, and within the limits as aforesaid, or to adjourn to any other place in the said town, as they see fit ; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in March next, and shall cause a duplicate thereof to be posted at the guard house in Charlestown, in seven days after the said calculation shall be closed, and they

Who are to
render an ac-
count of their
own property.

A quorum of
collectors and
assessors to
meet and make
up their calcu-
lations.

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shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted. And the said assessors, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate thereof gratis: "I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person returned to me to be assessed by the inquirers for the parishes of St. Philip and St. Michael for that purpose, according to the full value of what I believe every such person is worth, and the directions to me given by this Act, and according to the best of my skill and knowledge: So help me God."

Assessors oath.

Mistakes may be rectified.

XIX. *And be it also enacted* by the authority aforesaid, That in case the said assessors shall find any mistake in the return of the inquirers, the said assessors shall not be so strictly bound by such return but that they may have liberty to proceed according to better information and knowledge.

Times of payment.

XX. *And be it also enacted* by the authority aforesaid, That every person so assessed by the said assessors for the said parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the third Tuesday in April next, or within ten days next after at furthest; and the said assessors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, without any deduction for commissions, or any other pretence whatever.

Non-resident owners of property in Charlestown, defaulting, may be levied on.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person whoever, living without the limits of the parishes of St. Philip and St. Michael, Charlestown, shall neglect or refuse to pay in his, her or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, within ten days after the time is fully elapsed, without favour or affection, or further delay, levy the same by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest to the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and carry him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz:

Form of warrant.

"A B, C D, and E F, collectors of the general tax for the parish or precinct of —, in — county, to G H, constable of the parish or precinct of —, or to the provost marshal of the Province of South Carolina, or to his lawful deputy: Whereas, J K hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for — tax, for defraying the charges for the year ending the 24th day of March, 1758, which — hath neglected to pay, these are therefore, in his Majesty's name, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said J K, the said sum of —, together with the charges thereof; and in case the said J K shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charge thereon, that then you take the body of the said J K, and him safely convey to the common goal in Charlestown, commanding you, the keeper of the said goal, to detain the body of the said J K in your custody, until he shall pay the said sum of —, together with the charges of keeping and detaining him as aforesaid; and for so doing

this shall be your sufficient warrant. Given under our hands and seals, *A. D. 1758.*
 this — day of —, Anno Domini —.

“A B, C D, E F.”

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied. And the assessors and collectors for the parishes of St. Philip and St. Michael shall have the same power and authority, and proceed in the same manner for levying and recovering the tax of the defaulters having estates in the said parishes, as is above directed. And the constable or constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz : for serving every execution, six shillings, and one shilling for every pound to be levied as aforesaid, and one shilling for every mile, to be computed from the dwelling house of such constable or constables to the dwelling house or place of residence of such defaulter ; and no more or any other fee or fees whatsoever. And the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money. Constables' fees.

XXII. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account, as aforesaid, of his or her estate, to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time above limited, the said collectors respectively where such taxable person lives are hereby empowered and required to issue their warrants in the same manner as above directed ; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and shall be dealt with in all other respects as a defaulter. Warrant may issue against those who refuse to render an account to the inquirers.

XXIII. *And be it also enacted* by the authority aforesaid, That the public treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, and the same may be recovered by virtue of a warrant under the hand and seal of the public treasurer, directed to any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters. Power of the public treasurer.

XXIV. *And be it also enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said inquirers and collectors and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come into the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, (debts due to his Majesty only excepted) or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator ; and if any person, between the time of rendering the account of his or her estate to the inquirers and collectors aforesaid, and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed. Taxables dying before payment.

A. D. 1753.

Conveyances
in fraud of this
Act declared
void.

Mortgagees
answerable for
the tax.

Penalty on
neglect of the
officers appoin-
ted under this
Act.

Officer dying.

Execution may
issue against
former constables
and collectors.

The public
treasurer to
give certificates
where they are
demandable.

XXV. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent and null and void to all intents and purposes whatsoever.

XXVI. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgager, provided that such estate shall be in the possession of the mortgagee.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, assessors, collectors, marshal, constables and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall for every such neglect or refusal forfeit the sum of one hundred pounds current money, to be recovered in any court of record in this Province, the one half to his Majesty for the support of this government, and the other half to him or them who will sue for the same, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed or admitted.

XXVIII. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act or depart this Province, before they have executed the powers and authorities hereby given them, then his Excellency the Governor or the Commander-in-chief for the time being, is hereby empowered to nominate and appoint another fit person in the room of him so dying, refusing to act or departing the Province; and the person so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

XXIX. *And be it also enacted* by the authority aforesaid, That the public treasurer be and he is hereby empowered to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and in case the public treasurer shall grant any execution or executions against any of the persons aforesaid where there is nothing due, it shall and may be lawful to and for such person against whom such execution is wrongfully granted, to maintain an action at law against the treasurer, and recover his damages and full costs of suit.

XXX. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the surplus of taxes and balance in the fund aforesaid, as far as the same will extend, shall be and is hereby obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificates shall be filled up, numbered and signed by the treasurer, and afterwards countersigned by Rawlins Lowndes, John McQueen and William Drayton, Esquires, or any two of them; and they are hereby directed to keep an account in a book, of such certificates as they shall respectively sign, provided that such certificates shall not be for less than five pounds nor more than fifty pounds; and the said certificates shall be received in all payments to the public treasury until the last Tuesday in May, one thousand seven hundred and fifty-nine, and no longer; and the several collectors of the tax shall take and receive the said certi-

ificates in payment of taxes for the sums therein mentioned, from all persons tendering the same; provided also, that the possessors of the said certificates shall carry the same to the public treasurer to be exchanged, on or before the first day of November, one thousand seven hundred and fifty-nine; and in case any certificate shall be outstanding after that day, the public shall not be liable to make provision for the same.

A. D. 1758.

XXXI. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer, provost marshal, constable or other person shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person and persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, he or they shall recover treble costs of suit. Costs in case of suit brought against officers under this Act.

XXXII. And whereas, the general tax of the past year, and the sums granted for the other services in the schedule hereunto annexed, with the surplus of taxes and the balance of a fund in the public treasury as aforesaid, will amount to the sum of one hundred and seventy-four thousand five hundred and seven pounds eighteen shillings and one penny farthing, *Be it further enacted* by the authority aforesaid, That the said sum of one hundred and seventy-four thousand five hundred and seven pounds eighteen shillings and one penny farthing, shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise, (that is to say):

SCHEDULE

TO WHICH THE ACT ANNEXED REFERS.

ALLOWANCES TO PUBLIC OFFICERS.

To his Excellency the Governor,	£3500 00 00
To the clerk of the Council,	300 00 00
To the Master in Chancery,	200 00 00
To the messenger of the Council,	200 00 00
To the door-keeper of the Council,	200 00 00
To the clerk of the Assembly,	600 00 00
To the messengers of the Assembly. £200 each,	400 00 00
To the commissary general,	400 00 00
To the agent in Great Britain, from the 7th day of October to the 24th day of March,	548 09 10 $\frac{1}{2}$
To the clerk to the committee of correspondence,	50 00 00
To the clerk to the board of church commissioners,	80 00 00—£ 6423 09 10 $\frac{1}{2}$

HOUSE RENT FOR THE PUBLIC.

To his Excellency the Governor for one year's rent,	700 00 00
To John Murray, Esq. for rent of the Secretary's office,	80 00 00
To William Henderson, for a house for the free school in Charleston,	250 00 00—£ 1030 00 00

WRITING FOR THE PUBLIC SERVICE.

To the clerk of the Council, for copies of the Minutes of Council, entries in the Indian book, and copies of laws for the use of the Council,	1425 07 08
To the clerk of the Assembly, for copies of journals, drawing bills, &c.	1962 16 02
To Robert Wells, for binding journals,	33 10 00
To John Murray, Esq. for fees due to the Secretary's office,	707 04 03
To the public treasurer for this service,	337 02 06
James Crockatt, Esq. late agent, disbursements for this service,	112 00 00—£ 4578 00 07

A. D. 1758.

TO BE RAISED BY PARTICULAR LAWS APPOINTING THE SAME.

For sinking $\frac{1}{4}$ part of the £33,600 orders issued in 1755, for defending the King's rights in North America,	£8400 00 00
For sinking one fifth part of the £160 000 orders issued last year, to raise and pay the South Carolina regiment,	32000 00 00
To Charles Lowndes, Esq. late provost marshal, for serving writs of election, summoning jurors and attending the courts,	150 00 00
To Clement Lampriere, annuity on the militia law,	90 00 00—£40640 00 00

FOR THE FORTS.

To the commander of fort Johnson, on year's pay,	900 00 00
To the gunner of the said fort, at £18 per month,	216 00 00
To two quarter gunners, at £8 per month each,	192 00 00
To pay 21 men for 5 months and 5 days service, at £8 per month each,	867 09 00
Provisions for 4 men, at £25 per annum each, and for 21 men 5 months and 5 days,	334 04 09
To the gunner of fort Moore, (if not belonging to the independent companies) 1 year's pay at £14 per month,	168 00 00
To the gunner of Charlestown, one year's pay,	225 00 00
To the gunner of Craven's Bastion, one year's pay,	100 00 00
To the gunner at Broughton's Battery, one year's pay,	100 00 00
To Downes & Nicholson for several articles,	26 00 00
To Margaret Boone, for making flags,	50 17 06
To Benjamin Stead, for white rope,	6 02 06
To David Brown, for making flag staffs,	63 00 00
To Bernard Beekman, for several articles,	520 01 03
To Henry Kennan, for several articles,	13 17 06
To John McCall, for bunting,	74 18 01
To John and Edward Neuffville, for scales and weights,	22 10 00
To James Laurens and company, for several articles,	207 14 09
To James Reid, for gun match and gun wadding,	119 10 00
To John Stone, jr. for Tomkins,	12 00 00
To Benjamin Dart, for bunting and sheet lead,	72 08 11
To Bremer & Neyle, for cartridge paper,	21 10 00—£ 3613 04 03

FOR THE GARRISONS AT FORT PRINCE GEORGE AND FORT LOWDOWN, IN THE CHEROKEES.

To Benjamin Stead, for sundry articles in his account,	114 06 01
To Benjamin Stead on Cornelius Doghearty's orders, for cattle, £195: for carriage of baggage, £49 7s. 6d., and for carriage of stores, £199 10s.	443 17 06
To Benjamin Stead on a fourth order of Cornelius Doghearty's for cattle	250 00 00
To Patrick Troy, for carriage of salt,	76 10 00
To Henry Gallman, on several orders for provisions and carriage of stores,	2292 12 09
To Ancrum, Lanie & Loocock, on James Moon's order, for horse hire, £24, and on Thomas Mills' order, for carriage of stores, £10,	34 00 00
To Ulric Beekman, for carriage of artillery,	48 00 00
To William Banbury, for bread,	246 02 04
To Thomas Harrison, for bags,	48 16 00
To Glen, Cooper and company, on Barnaby McMullen's order, for carriage of salt, £49, and on Richard Smith's order, for carriage of stores, £105,	154 00 00
To Smith & Brewton, on orders of the following persons, viz: Margaret Gloster's for provisions, £200, Frederic O'Neale's	

A. D. 1758.

for driving cattle, £126; Robert Hall's for horse hire, £45; Captain Paul Demere's for cash paid laborers, £137 18s. 6d.; William Sherey's, interpreter to the garrison, £45; Captain Raymond Demere's, for several articles, £717 10s.	£1271 08 06
To Smith & Brewton, articles in their account for this service,	84 06 06
To Thomas and William Ellis, on William Shorey, the interpreter's order, £45; and on an order of John Stephens, for carpenter's work, £45,	90 00 00
To William Henderson, on Josiah Horton's order, for making chimneys,	25 00 00
To Robert Pringle, Esq. on Christian Minnick's order, for 50 head of cattle,	700 00 00
To John McQueen and company, on orders of the following persons, viz:	
Charles McLean, for carriage of flour,	£ 23 12 0
John Butler, for carriage of stores,	115 00 0
John Elliott, for 1000 bushels of Corn,	1300 00 0
Samuel Benn, for carriage of flour,	221 18 0
The same for corn,	777 07 6
John Elliott, for carriage of artillery,	600 00 0
The same for corn,	147 10 0
Charles Butler, for carriage of flour,	42 00 0
Thomas Hawkins, for carriage of stores,	300 10 0
William Shorey, the interpreter,	150 00 0
Robert Gowdey, for carriage of provisions,	149 00 0
James Beamer, for carriage of stores,	39 11 6
Patrick Callihaun, for the like service,	13 10 0
Cornelius Cookley, for the like service,	255 01 6
John Stevens, for carpenter's work,	45 00 0
William Gibbs, for horse hire,	20 00 0
Patrick Reilly, for flour,	89 00 0
John Stevens, for carpenter's work more,	30 00 0—4319 00 06
To Alexander Petrie, on the orders of John Elliott, for the hire of a waggon and horses, £21, and for provisions, £337 12s.; Thomas Foster, Indian interpreter at Fort Loudoun, £20; and John Hatton, for carriage of flour, £70,	448 12 00
To John Guerard, Esq. for musket ball,	62 10 00
To James Laurens and company, articles in their account for this service,	433 13 08
To Peter Benoit, on three orders of John Kennett, for carriage of stores, £273 6s; and on Henry Gallman's, for the like service, £180; on Lewis Coleson's, clerk of the stores at Fort Loudoun, £25; and Peter Crim's, for flour, £157 12s. 6d.	635 18 06
To John Paul Grinke, on an order of Abraham Walker, for Smith's work, £23 10s.; and on an order of Benjamin Mathison, for the like service, £30; and on an order of Thomas Smith, for the like service, £30; and on William Gibbs's order, for horse hire, £40; and Ephraim Ellis's order, for 2 canoes, £27,	149 10 00
To John and Henry Gallman, for provisions,	361 13 06
To William Seawright, for carriage of stores, £30; and on an order of Philip Puhl's, for provisions, £180,	210 00 00
To John Rae, on an order of Barnard Snell, store waiter,	138 00 00
To Barnard Snell, on Lewis Coleson's order, for horse hire,	10 00 00
To Captain John Stuart, on Joseph Galway's order, for horse hire, £21; on several men's order, for carriage of provisions, £50; on Captain Paul Demere's order for provi-	

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sions, £16 13s.; and on Henry Lucas's order, for carrying two swivel guns to fort Loudon, £40,	£127 13 00
To Daniel Cannon, on James Welch's order, for carriage of stores,	93 10 00
To John and Edward Neuffville, on Peter Crim's order, for the like service,	83 10 00
To William Strawder, for horse hire,	16 00 00
To Thomas Keiler, for making fascines,	40 00 00
To Benjamin Singleton, on two orders of John Elliott's, for carriage of provisions,	642 05 00
To Smith & Scott, on Patrick Campbell's order, £46; Tobias Holmes's, £54 for horse hire; and on James Coppock's, for baking bread, £30,	130 00 00
To Isham Clayton, for driving cattle,	6 00 00
To Thomas Caulker, on John Ragnou's order, for carriage of stores,	63 00 00
To Austin & Laurens, on John Kennet's order, for the hire of a waggon and horses,	78 00 00
To Jacob Tyler, for provisions,	100 00 00
To James Beamer, for carriage of flour,	292 19 00
To Michael Calfskin, for horse hire,	54 00 00
To John Gibson, for provisions,	154 00 00
To John Wildermot, for waggon hire, £51, and for carriage of flour, £75,	126 00 00
To Andrew Williamson, for driving cattle and hogs,	81 15 00
To John Kennett, for carriage of flour,	100 00 00
To Captain John Postell, on William Roth's order, for horse hire,	24 00 00
To John Savage, for rum,	254 00 00
To Lieutenant Lachlan Shaw, for several articles,	87 05 03
To Peter Crim, for cattle,	1764 00 00
To John Cannon, for carriage of provisions,	100 00 00
To John Turner, for the like service,	47 10 00
To John George Smithbeader, for carrying swivel guns,	42 18 00
To the commissary, for several articles,	187 17 06
To Ensign John Boggess, for several articles,	67 10 00—£17411 10 07

FOR THE FORCES, VIZ:

To the following persons for quarters for the officers:

Barnard Beckman,	22 10 00
Henry Bedon,	31 08 06
John Raven Bedon,	95 06 08
Sarah Baker,	21 15 08
Jane Boone,	56 00 00
Rebecca Bennett,	31 08 00
William Bisset,	27 02 06
Isabella Robinson,	33 03 08
William Carwithin,	41 01 05
Moses Mitchell,	79 13 00
Mary Cranmer,	140 13 00
Magdalen Proleau,	98 15 00
Elizabeth Richardson,	173 15 00
Samuel Perkins,	62 16 00
Henry Kennan,	36 08 06
Peter Leger,	217 14 09
John Matthews,	55 00 00
Robert Fairweather,	62 05 00
Gabriel Guignard,	47 13 04
Robert Mackenzie,	9 12 06
William Mason,	26 08 00
Rice Price's Estate,	46 08 06
James Reid,	100 11 06

A. D. 1758.

Susanna Rose,	£174 10 09
John Quash,	61 07 06
Lieutenant Robinson, William Mackenzie, Duncan Bayne, Ensign McDonald and Ensign-Houston,	85 10 00
William Robertson,	62 10 00
Ann Rogers,	5 00 00
Elizabeth Seacraft,	25 00 00
Margaret Sheppard,	75 00 00
James Neilson,	3 03 00
Thomas Walker,	55 00 00
Sarah Clifford,	25 00 00
Susanna Walker,	40 00 00
Ann Watson,	87 10 00
Arnout Schermerhoorn,	6 05 00
Edward Weyman,	63 15 00
John Gordon,	245 07 11
Nathaniel Bulline,	30 00 00
David Dottie,	108 00 00
Samuel Carne,	18 15 10
Thomas Lining,	62 10 00
Elizabeth Poole,	92 15 00
Catharine Scurlock,	77 08 10
Jane Price,	5 07 06

To the following officers who removed from their quarters before the 30th of November, or had none assigned them:

Colonel Montgomery,	62 10 00
Lieutenant Colonel Stephen,	62 00 00
Major Grant,	62 10 00
Captain Landor,	21 00 00
" Sinclair,	35 00 00
" Hugh Mackenzie,	35 00 00
Lieutenant Sutherland,	31 05 00
" Phillips,	43 15 00
" Stuart,	5 14 00
" Blagg,	10 14 00
Ensign Haggart,	2 10 00
" Jenkins,	43 15 00
Adjutant Stuart,	10 00 00
Surgeon's Mate McBunnet,	17 10 00

To discharge the additional pay of one shilling sterling per diem to 16 subaltern officers of the Royal Americans, £2644; 24 subaltern officers of the Highland Battalion, £1368 10s. and 6 subaltern officers of the Virginia regiment, £241 10s; in lieu of quarters from the 30th of Nov. last,

2254, 00 00

£5615 09 10

To the following persons, for rent of houses for barracks and hospitals, and for materials and workmanship in fitting the same:

William Banbury,	287 19 05
Daniel Bourget,	48 00 00
William Bampfield,	450 00 00
Thomas Booden,	65 00 00
Lambert Lance,	62 10 00
Jonathan Scott,	75 00 09
Richard Berosford, Esq.	144 00 00
Mrs. Ann Wragg,	237 06 08
Mary Scott,	100 00 00
Hugh Anderson,	195 50 00
Samuel Wainwright, Esq.,	45 00 08

A. D. 1758.	Luke Stoutenburgh, Esq.,	£50 00 00
	Robert Rawlins,	62 00 00
	Samuel Prioleau,	56 05 04
	Brunett and Hall,	891 02 05
	To Benjamin Stead, for rum, duffils and brown rolls,	6643 05 09
	Sarah Nightingale, for damages sustained by the Royal Americans' encampment in her pasture,	75 00 00
	To Hugh Anderson, for barrack necessaries,	170 02 00
	To Elizabeth Jones, for bedding,	30 18 10
	To Smith and Brewton, for blankets, rolls and pepper,	2350 10 04
	To Ancrum, Lance and Loocock, for brown rolls,	135 13 09
	To John Guerard, Esq. for barrack necessaries,	268 04 00
	To James Laurens and Co. for blankets and other articles,	1772 05 10
	To Ruth Hartman, for bedding,	20 19 04
	To Elizabeth Larry, do.	16 17 06
	To Elizabeth Jones, do.	31 02 00
	To John McQueen and Company, for rum, glass and nails,	341 17 06
	To Ingles and Pickering, for blankets and brown rolls,	1035 11 10
	To Othniel Beale, Esq. for blankets,	171 10 00
	To John Savage, for blankets,	212 10 00
	To Williams Carne, for vinegar,	23 04 04½
	To Bremer and Neyle, for barrack necessaries,	153 03 01½
	To John Remington, jr. for tubs and buckets,	124 10 00
	To Daniel Crawford, Esq. for wood,	23 12 06
	To John Marley, for wood and cartage.	1873 18 09
	To Thomas Wright, Esq. for wood,	3746 03 03
	To Commissary Pinckney, for wood,	828 05 00—6471 19 06
	To Commissary Pinckney, for cartage, and several other articles,	823 19 09
	To James Henderson, for candles,	1308 15 00
	To John Parnham, for pepper,	36 00 00
	To Thomas Buckle, for transporting a detachment to Fort Johnson,	5 00 00
	To William Branford, for straw,	119 00 00
	To Mary Frost, for hay,	20 00 00
	To John Harvey, for hay,	162 00 00
	To William Lawrence, for straw,	27 00 00
	To reimburse the Treasurer, advanced for materials and workmanship for constructing new barracks, £8000; and for transporting parties and provisions to Fort Johnson, £40,	8040 00 09
	To John Stevens, Glazier, for working at the barracks,	51 15 03
	To defray the expense of constructing barracks for the officers,	3750 00 00—£ 42778 04 09
	To the churchwardens of St. Philip, for subsisting the wives and children of the independent company sent to Virginia,	420 02 05
	To the same churchwardens, for supplies to several invalids discharged from the service,	116 12 03—£ 536 14 08

FOR THE SCOUT BOATS.

To pay for a scout boat lately built,	300 00 00
To two commanders, one year's pay, at £25 per month each,	600 00 00
To pay 20 men, at £10 per month each, from 25th March, inclusive, to 15th May, exclusive,	307 18 03½
To pay 22 men, from 15th May to 24th March, both days inclusive, at £12 per month each,	2725 08 00½
Provisions for 22 men, at £28 per annum each,	616 00 00
Provisions for two additional men, at the same rate, from the 15th of May,	48 04 00½
To Gordon and Elliott, for several articles,	77 06 10
To John Joyner, for several articles,	110 19 00—£ 4785 16 03½

FOR LOOKOUTS.

A.D. 1758.

For eight Lookouts, each consisting of three men, at £12 per month each man,	£3356 00 00
To Margaret Boone, for making flags,	30 00 00
To Joshua Grimball, for several articles,	112 10 00
To Barnard Beekman, for several articles,	22 00 00
To William Eddings, for a flag-staff, and freight of cannon,	25 90 00
To James Laurens and Company, for several articles,	21 03 09
To John Scott, merchant, for spy-glasses,	8 00 00
To William King, for a flag-staff,	12 00 00
To Brunett and Hall, for carriages,	195 00 00—£ 3781 13 09

FOR THE PUBLIC ARMS.

To John Milner, for mending and keeping them clean, and for scabbards to the bayonets,	£ 668 18 09
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PAROCHIAL CHARGES.

To the churchwardens of St. James Santee, to finish the parsonage house,	350 00 00
To Robert Hume, for repairs to the parsonage of St. James, Goose Creek,	50 04 07
To David Maybank, for repairs to St. Bartholomew's parsonage,	124 10 00
To John Joor, for repairs to St. George's parsonage,	39 18 00
To the Rev. Mr. Henry Chiffelle, Rector of St. Peter, Purrysburgh, for three years rent of a parsonage house,	120 00 00
To the churchwardens and vestry of the parish of Prince George, Winyaw, toward defraying the expense of purchasing a glebe and building a parsonage house,	500 00 00— £1184 12 07

FOR CORONERS' INQUESTS.

To Francis Kinloch, Esq., on an order of James Roberts, Esq., Coroner of Craven county,	60 00 00
To John Skene, Esq.	20 00 00
To William Simpson, Esq. Coroner of Berkley county,	50 00 00
To James Carney, constable, for summoning jurors,	7 00 00—£ 137 00 00

FOR CRIMINALS.

Fees on prosecuting them at March and October sessions.	
To the Chief Justice,	208 15 00
To the Clerk of the Crown,	169 10 00
To the late Attorney General,	119 15 00
To the present Attorney General,	121 00 00
To Charles Lowndes, Esq. late Provost Marshal, for their subsistence,	1513 05 00

Constables, for conveying malefactors to goal :

To Samuel Fry,	9 07 08
To Mark Hays,	10 14 08
To John and Ulric Tobler,	17 00 10
To William West,	9 07 08
To George Bland,	2 12 06
To Charles Badingfield,	5 15 00
To Thomas Conway,	50 00 00
To Nicholas Younker,	11 08 09
To William Streather,	29 14 00
To James Robertson,	19 00 00
To Hugh Branchman,	9 00 09
To the Treasurer, which he paid constables for the like service,	72 18 09—£ 2379 04 09

STATUTES AT LARGE

A.D. 1758.

FOR CRIMINAL SLAVES.

To John Geissendanner, for slaves executed,	200 00 00
To William Dalton, do.	400 00 00
To Hugh McCulchin's estate, do.	200 00 00
To James Ladson, do.	200 00 00
To James Ash's estate, do.	90 00 00
To Joseph Ash, do.	90 00 00

Constables, for fees on the tryals of Slaves:

To William Osborne,	29 02 06
To William Bonneau,	6 19 09
To John Gibbes,	15 15 00
To Christopher Holson,	3 06 03
To James Rochford,	3 17 06
To Jacob Rumph,	9 07 06
To Henry Orr,	14 15 00
To John Coone,	18 00 00
To Samuel Wood,	7 07 06
To Jacob Ladson,	8 08 09
To John Rice,	25 07 06
To George Allison,	7 02 06—£ 1329 09 09

INDIAN EXPENCES.

To the Commissioner for Indian affairs, one year's salary,	100 00 00
To Daniel Pepper, Esq. Agent to the Creeks,	2000 00 00

To the following persons, for presents, viz :

Tew & Roybould,	£ 210 10 00
Margaret Boone,	20 00 00
Benjamin Stead,	67 10 00
Ancrum, Lance and Loocock,	127 12 06
Jerome Courtonne, (to be paid upon his account's being attested upon oath)	1350 00 00
John Spencer,	84 06 00
Smith and Brewton,	1979 14 04
John Paul Grimke,	4 10 00
John Dodd,	49 00 00
James Laurens and Company,	6 00 00
Thomas Nightingale,	289 06 03
John Scott, gunsmith,	71 05 00
Rae & Barksdale,	7 01 00
Alexander Petrie,	15 00 00
Thomas Smith, jr.	14 00 00
Ogilvie and Ward,	24 17 06
John McQueen & Company,	2467 00 04
Inglis & Pickering,	266 05 00
McCartan & Campbell,	2466 19 03
Gabriel Guignard,	16 13 06
Bremar and Neyle,	36 11 03
Jacob Motte, Esq.	33 10 00—£9606 11 11

And to the following persons, for provisions, &c.

Sarah Nightingale,	1025 11 06
James Sawyers,	2 13 06
Henry Gallman,	2 03 69
Daniel Burnett,	26 05 00
George Jackson,	8 00 00
John Gallman,	52 10 00
John Trentz,	6 15 00
Daniel Droze,	47 17 01

A. D. 1758.

John McQueen and Company, on an order of
McIntosh & Johnston, £4 2s6d.; and on Robt.
Gowdey's order, £22 10s.; and on Nicholas
Black's order, £10, £ 36 12 06

White Onderbridge,	1 17 06
William Seawright,	22 10 00
Henry Smith,	13 01 03
James Termany, interpreter,	100 00 00
Simeon Theus,	81 10 00
Edward Legg,	29 14 04
Elizabeth Mercier,	26 05 00
Samuel Wyley,	62 10 00
Mary Whitford,	59 07 06
William West,	51 15 00
Ancram, Lance and Loocock, on Hannah McGregor's order,	127 12 06
Benjamin Godfrey,	19 12 06
Margaret Oliviere,	33 19 08
Mary Cannon,	10 05 00
James McKelvie,	4 10 00
George Sommers,	5 18 04
Alexander Rantowl,	12 00 00
Lachlan McGillivray,	80 06 09
William Cardogan,	12 20 00
Captain John Stuart,	18 00 00
Edward Brody,	3 00 00
Commissary Pinckney,	513 10 09
Lionel Chalmers, attending sick Cherokees,	14 05 00
Oliphant and Garden, for the like service,	7 05 00—£2519 13 05—£14226 05 04

FOR PRISONERS OF WAR.

To Judith Postell, for the board of several,	680 17 06
To Thomas Gordon, ditto,	220 15 00
To James Akin, ditto,	16 12 06
To Anthony Bonneau's estate, ditto,	62 05 00
To Peter Butler, ditto,	32 16 00
To Marc Anthony Besselleu, ditto,	13 17 06
To Robert Collins, ditto,	43 17 06
To Paul Combe, ditto,	34 17 06
To Frederic Holzendorf, ditto,	60 15 00
To James Marion, ditto,	39 15 00
To Mary Langley, ditto,	349 17 06
To Peter Pequin, ditto,	33 15 00
To Francis Simmons, ditto,	59 12 06
To Philip Chickett, ditto,	9 00 00
To Robert Quash, ditto,	30 00 00
To Benjamin Simmons, ditto,	15 07 06
To Margaret Oliviere, ditto,	979 17 03
To John Channing, for medicines,	17 10 00
To Oliphant and Garden, for medicines,	37 07 06
To the Treasurer, advanced by him to pay the passages of several to Great Britain,	750 00 00
To the Commissary, for this service,	42 00 00
To pay Timothy Phillips, and the men under his command, for guarding the said prisoners, to the 2nd July,	181 14 10
To pay William Wilkins and his men, for the like service,	180 06 06
To pay Richard Collis and his men, for the like service,	189 13 04—£ 4082 10 05

A. D. 1758.

FOR THE FRENCH ACCADIANS.

To the following persons, for maintaining them :

Joseph Palmer, of St. Stephen's parish	£ 33 00 00
Stephen Crell, of Saxe Gotha township,	54 00 00
Henry Gallman, " "	53 00 00
Henry Hertel, " "	24 00 00
Henry Sertrunk, " "	12 00 00
Joshua Grimbail, of Edisto Island,	48 10 00
Elias Ball, on two orders of George June, of St. John, Berkley county,	171 00 00
William Burd, of Edisto Island,	16 00 00
Churchwardens of St. Helena,	184 10 00
Churchwardens of St. Philip,	541 17 08
Joseph Norman, of Beach Hill,	91 12 09
John Glover, of St. Pauls,	180 60 00
John Hayes, of St. James Goose Creek,	14 10 00
Henry Heartley, of Amelia township,	26 09 00
William Heatly, " "	171 10 00
Samuel Jeanes, of St. Pauls,	107 18 08
Edward Parry, " "	76 00 00
Mary Postell, of St. George's,	115 00 00
John North, of St. Bartholomew's,	620 03 01
James Sharpe, " "	70 00 00
Thomas Mitchell, of Prince George Winyaw,	71 08 00
Christopher Rowe, of Orangeburgh, (to be paid when duly certified)	64 00 00
Thomas Hayward, of Prince William (to be paid when duly certified)	8 10 00
Zachariah Villepontoux, of St James Goose Creek, (to be paid when duly certified)	28 00 00
John Marley, for wood,	11 12 06—£ 2794 02 08

EXTRAORDINARY CHARGES.

Thomas Gordon, repairs to the Guard House,	3 05 07½
To Jonathan Badger, for the use of the Assembly,	63 05 00
To the Churchwardens of St. Philip, for subsisting poor from remote parts, where no poor rates are collected,	163 14 06
To William Matthews, for provisions to the Militia on an alarm,	6 00 00
To William Maxwell, for ditto,	5 00 00
To Timothy Phillips, for making tents,	91 00 00
To John Elliott, balance of his account for subsisting two French prisoners, taken by the Cherokees in 1753,	67 00 00
To Benjamin Smith, Esq. for crimson damask to cover the chairs in the Council Chamber,	77 10 00
To the Fire Masters in Charlestown, (to be paid by the inhabitants of the said town) for the use of the fire engines,	286 12 03
To Elf and Hutchinson, for chairs and tables for the Council Chamber,	728 02 06
To the Treasurer, balance of money advanced by him to send for muskets, warlike stores and other articles,	15095 13 00
To the Treasurer, a recompence for receiving and issuing £42,000, granted for defending his Majesty's rights in North America ; and for his trouble in attending the press, indenting, filling up, signing and paying out £25,000, in orders, issued for the use of the fortifications ; and for paying out £40,000, raised for the use of the fortifications by the tax laws for the years 1754 and 1755 ; and for paying out the money mentioned in the last preceding article,	350 00 00

To John Kitt, for apprehending Robert Wall, a deserter from Fort Loudoun,	£134 00 00
Annuity to the negro Sampson, for discovering a cure for the bites of rattlesnakes,	50 00
To the Treasurer, balance due to him from the general duty fund, the 29th of September last,	1238 16 04
To the Treasurer, for orders sunk, which were issued in 1740, for the relief of Georgia and defence of this Province,	12 00 00
To the Commissioners for the Streets in Charlestown, (to be paid by the inhabitants of the said town)	500 00 00
To the Commissioners for the Roads on Charlestown Neck, (to be paid by the inhabitants of St. Philip and St. Michael, Charlestown,)	50 00 00
To Benjamin Shadman, for taking care of the artillery,	200 00 00—£19,116 04 02½
Toward defraying the contingent charges of the current year,	3,000 00 00
	£174,507 18 01½

A. D. 1758.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1758.

Assented to: WM. HENRY LYTTTELTON.

AN ORDINANCE FOR RECTIFYING MISTAKES IN THE NAMES OF TWO OF THE INQUIRERS, ASSESSORS AND COLLECTORS, FOR THE TOWNSHIP OF SAXEGOTHA, AND THE FORKS BETWEEN THE CONGREE AND WATEREE RIVERS, AND ADJACENT PLACES, APPOINTED BY THE TAX ACT, PASSED THE 19TH MAY, 1758. No. 875.

WHEREAS, by an Act made and passed in open Assembly, the nineteenth day of May, in the year of our Lord 1758, entitled "An Act for raising and granting to his Majesty the sum of £166,438 14s. 7½d., and for applying the sum of £8069 3s. 6d., (being the surplus of taxes and balance of a fund in the public treasury) making together £174,507 18s. 1½d., to defray the charges of this government from the 25th of March, 1757 to the 24th of March, 1758, and for other services therein mentioned," John Leslie instead of James Leslie, and John Kennelly instead of Thomas Kennelly, were nominated and appointed two of the inquirers, assessors and collectors for the township of Saxegotha and the forks between the Congree and Waterree rivers and adjacent places, to put the said Act in execution, which mistakes, if not rectified, may prejudice and obstruct the public service;

Preamble.

I. *Be it therefore ordained*, by his Excellency William Henry Lyttelton, Esquire, Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That James Leslie and Thomas Kennelly, who by mistake were in the said Act called John Leslie and John Kennelly, shall be, and they are hereby nominated and appointed two inquirers, assessors and collectors for the township of Saxegotha and the forks between the Congree and Waterree rivers and the adjacent places, together with John Lee and Isaac Pennington, the other inquirers, assessors and collectors for the said places; and the said James Leslie and Thomas

Mistake of names rectified

A. D. 1758. Kennelly shall have the same, and they are hereby invested with the same powers and authorities to put the said Act, and all the clauses, powers, matters and things whatsoever therein contained, in execution, within the township and district aforesaid, in as full and ample manner as the inquirers, assessors and collectors appointed by the said Act for all or any other county, parish, township or district are vested with within such parish, township or district; and the said James Leslie and Thomas Kennelly shall be subject and lyable to the like penalties and forfeitures, for neglect of duty or refusal to act, as other inquirers, assessors and collectors in the said Act named, are or may thereby be subject and lyable to.

*In the Upper House of Assembly, the 14th day of December, 1758.
Concurred to, by order of the House.*

JOHN CLELAND.

*In the Commons House of Assembly, the 14th day of December, 1758.
By order of the House.*

BENJAMIN SMITH, *Speaker.*

Assented to: WILLIAM HENRY LYTTTELTON.

No. 876.

AN ACT FOR TAXING TRANSIENT PERSONS.

Preamble.

WHEREAS, masters of vessels and other persons coming into this Province with goods, wares and merchandizes, are, by their short residence, liable to no taxes, though they enjoy all the advantages of trading people settled in the Province, who contribute largely to the support of this Government; we therefore pray his most sacred Majesty that it may be enacted,

Commanders of vessels to deliver a manifest on oath.

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, every master of a vessel arriving in any port in this Province shall, at the time of entering his vessel, declare and set forth, upon oath, before the comptroller, in the manifest of the lading on board his vessel, to what person or persons the whole or several parts of the goods, wares and merchandizes on board such vessel belong or are consigned; which oath shall be in the words following, that is to say, "I, A B, do declare that the manifest by me delivered is a true manifest of all the goods, wares and merchandizes on board the ———, of which I am master, and that the said goods, wares and merchandizes, on board the said vessel, are consigned to the person or persons (as the case shall require) set forth in the same.

Transient persons having goods on board vessels, to make entry thereof on pain of forfeiture.

II. *And be it further enacted* by the authority aforesaid, That every transient person who shall have any goods, wares and merchandizes in any vessel arrived in any port in this Province, shall, within twenty-four hours after the entry of such vessel made as aforesaid, make a fair and plain entry, upon oath, of the several goods, wares and merchandizes by them imported in such vessel, and the first cost of the said goods, wares and merchandizes, at the offices of the comptroller and public treasurer or receiver, upon pain of forfeiting all such goods, wares and merchandizes,

to be seized and taken by the said comptroller, public treasurer, or receiver or waiter of any port of this Province; one moiety of which shall go to the use of such comptroller, public treasurer, receiver or waiter so seizing the same, and the other part to his Majesty, for the use of this Province.

A. D. 1759.

III. *And be it further enacted* by the authority aforesaid, That every master of a vessel, or other transient person, importing any goods, wares and merchandizes, shall immediately, upon making an entry as aforesaid, pay or secure to be paid, within two months, to the public treasurer or receiver, the following tax, that is to say, one pound for every hundred pounds, on the first cost of the said goods, wares and merchandizes so imported; provided, such goods, wares and merchandizes are not liable or subject to pay any duties in this Province; and in case such goods, wares and merchandizes are liable to pay any duties in this Province, then the person or persons importing such goods, wares and merchandizes shall pay to the public treasurer or receiver, only ten shillings for every hundred pounds on the prime cost of such goods, wares and merchandizes, to be computed and ascertained according to the current course of exchange between this Province and the port or place where the goods, wares and merchandizes were shipped. And for the more exact and certain settling the course of exchange, where any disputes about the same may arise, it shall and may be lawful for the public treasurer or receiver to get the same ascertained and fixed by a certificate under the hands of two reputable merchants residing in the port where such goods, wares and merchandizes shall be imported, which shall be binding, and the tax paid agreeable to the same.

Tax to be paid
on goods of
transient owners
on making
entry.

IV. *And be it further enacted* by the authority aforesaid, That every master of a vessel and other transient person who shall refuse or neglect to pay or secure to be paid the duties hereinbefore laid and imposed, within the time prescribed, shall forfeit such goods, wares and merchandizes, to be seized and applied as aforesaid.

On pain of
forfeiture.

V. *And be it further enacted* by the authority aforesaid, That if any goods, wares and merchandizes, upon which the tax imposed by this Act shall have been secured or paid to the treasurer, and shall be by the importer of the same exported out of this Province within six months after the time of the entry thereof, then and in such case three fourths of the tax which shall have been paid or secured to be paid by such importer, shall be repaid or remitted to him, on oath being made that the said goods are exported; and the public treasurer is hereby directed to repay or remit the same accordingly.

Drawback
allowed on re-
export.

VI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the public treasurer, comptroller or powder receiver to clear out any vessel bringing in any goods, wares and merchandizes, as aforesaid, before such goods, wares and merchandizes have been entered, and the duty paid or secured as aforesaid.

Vessel not to
be cleared out
till this Act be
complied with.

VII. *And be it further enacted* by the authority aforesaid, That if any master of a vessel, or other transient person, shall make a false entry upon oath of the value of any goods, wares and merchandizes, as master of a vessel or other transient person shall be deemed, and they are hereby declared, guilty of wilful perjury.

Making a false
entry shall be
deemed per-
jury.

VIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the public treasurer or receiver and comptroller, to receive and take, of the persons making such entry as aforesaid, one shilling proclamation money for the entry, and the same fee for the oath.

Fees.

A.D. 1759.

Limitation to
7 years.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue of force for and during the term of seven years from the passing thereof, and from thence to the end of the next sessions of the General Assembly, and no longer.

B. SMITH, *Speaker*.*In the Council Chamber, the 7th day of April, 1759.**Assented to:* WM. HENRY LYTTTELTON.

No. 877. *AN ACT FOR ALLOWING OF DISCOUNTS, AND FOR REPEALING ALL FORMER ACTS AND PARAGRAPHS OF ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE RELATING TO DISCOUNTS.*

Preamble.

WHEREAS, the laws of this Province relating to discounts are contained in many separate Acts of Assembly, under different titles, some of which Acts are now near expiring; we therefore humbly pray his most sacred Majesty that it may be enacted,

Several parts
of Acts
repealed.

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, the fourteenth paragraph of an Act entitled "An Additional Act to an Act entitled an Act for establishing County and Precinct Courts," ratified the twentieth day of September, in the year of our Lord one thousand seven hundred and twenty-one; and also the first paragraph of an Act entitled "An Act for authorizing the General Court, in Charles City and Port, to exercise several powers and privileges allowed to the county and precinct courts in this Province, and some other regulations," passed the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two; and also the sixth paragraph of an Act entitled "An Act for making more effectual Wills and Testaments, and for making valid all former Wills in this Province, according to the tenor of the same, and for putting in force several useful matters therein comprised," passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four; and also the first paragraph of an Act entitled "An Act for allowing mutual debts to be discounted, and for explaining the sixth paragraph of an Act entitled an Act for making more effectual Wills and Testaments in this Province, according to the tenor of the same, and for putting in force several useful matters therein comprised," passed the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four—be, and they are hereby declared, absolutely repealed, and null and void.

Discounts or
setoffs allowed
in actions of
the same
nature.

II. And whereas, it is necessary, for the sake of justice, and to prevent a multiplicity of suits, that some rule should be established with regard to discounts, in this Province, *Be it therefore enacted* by the authority aforesaid, That in all actions whatever, brought for the recovery of any debt, by any plaintiff, either in his own right or in the right of his wife, or as executor or administrator of any person deceased, against any defendant, either in his own right or in the right of his wife, or as executor or administrator of any person deceased, it shall and may be lawful for the defendant, if he have any account, reckoning, demand, cause, matter or thing

against the plaintiff, to give the same in evidence, by way of discount; regard being always had to the cause of action, so that accounts, reckonings, demands, causes, matters or things, relating to the defendant in his own right, shall only be given in evidence, by way of discount to actions brought against such defendant in his own right; and so if such defendant is sued in the right of his wife, or as executor or administrator of any person deceased; and the same shall be noted, and judgment be entered up for the balance only; and if the plaintiff be found to be indebted to the defendant, judgment shall be entered for the defendant, with costs of suit, and execution go against the plaintiff. Provided nevertheless, that the defendant intending to discount any sum or sums of money, accounts, reckonings, demands, matters or things, alledged to be due and owing to him from the plaintiff, do make a copy of such sums, accounts, reckonings, demands, matters, causes or things, which he intends to insist upon at the trial to have discounted, and deliver the same, with a notice of such intention, in writing, to the plaintiff or his attorney, at least twelve days before the trial of the cause, to the intent that the plaintiff may be prepared to disprove the same, if he see fit; and the articles of such discount shall be proved to the court where such cause shall be tried, in such manner as plaintiffs are obliged to prove their debts and demands. Provided also, that no such discount or set off shall be admitted or allowed, contrary to the intention and meaning of an Act of the General Assembly of this Province, entitled "An Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitations of actions, and for avoiding suits in law," passed the twelfth day of December, one thousand seven hundred and twelve.

A. D. 1759.

Twelve days
notice of set-off
to be given to
plaintiff.

No set-off
allowed contra-
ry to an Act
therein men-
tioned.

III. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of five years, and from thence to the end of the next session of the General Assembly of this Province, and no longer.

Limitation to
5 years.

B. SMITH, *Speaker*.

In the Council Chamber, the 7th day of April, 1759.

Assented to: WM. HENRY LYTTTELTON.

AN ACT for vesting the Ferry over Santee River, in the way leading from Charlestown to Williamsburgh, commonly called Murray's Ferry, in James Hunter, Executor of the last will and testament of Joseph Murray, late of Craven county, Planter, deceased, in trust for and to the only use and behoof of James Murray, an infant, only son and heir at law of the said Joseph Murray, his executors, administrators and assigns, for a term of years therein mentioned. No. 878.

(Passed April 7, 1759. *See last volume.*)

AN ACT to restrain and prevent the too frequent Sales of Goods, Wares and Merchandize, by Public Auction or Outcry in Charlestown, and for the better regulation of such Sales. No. 879.

(Passed April 7, 1759. *See last volume.*)

A. D. 1759.

No. 880. AN ACT to empower the Commissioners for building a Church and Parsonage in the Parish of St. Michael, Charlestown, to purchase a lot of land and house for a parsonage for the said parish, and to dispose of and convey in fee simple such pews as shall be built in the said church, and for repealing several paragraphs of the Act of the General Assembly of this Province, for dividing the parish of St. Philip, and for erecting the said parish of St. Michael, and a parsonage for the same.

(Passed April 7, 1759. See last volume.)

No. 881. AN ACT FOR PREVENTING, AS MUCH AS MAY BE, THE SPREADING OF MALIGNANT AND CONTAGIOUS DISTEMPERS IN THIS PROVINCE, AND FOR REPEALING THE FORMER ACTS AND PARAGRAPHS OF ACTS HERETOFORE MADE FOR THAT PURPOSE.

Preamble. WHEREAS, this Province hath heretofore suffered very much by malignant and contagious distempers, brought thereinto from sundry parts abroad; to prevent which calamity as much as may be, for the future, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it therefore enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every of the pilots of any port and harbour in this Province, shall, within thirty days after the passing of this Act, and all and every person who shall hereafter obtain a branch to be a pilot in this Province, shall, upon his obtaining such branch, take the following oath before any of the commissioners for the time being, for regulating the pilots of the respective port or harbour for which such person hath obtained or shall obtain such branch, which oath such commissioner or commissioners is and are hereby respectively empowered and authorized to administer; and in case there shall be no such commissioner, then before the next justice of the peace, that is to say: "I, A B, do swear that I will, before I enter on board any ship or vessel designed for this Province, or on this coast, diligently inquire of the master or commander of the same, whether any plague, malignant fever, small pox, or other contagious distemper be on board the said vessel, or at the port from whence she last came: So help me God." And every pilot who shall refuse or neglect to take the said oath, as aforesaid, shall not be permitted to act as a pilot for any port or harbour in this Province.

II. *And be it further enacted* by the authority aforesaid, That every master or commander of every ship or vessel designed for this Province, is hereby obliged to give, without any equivocation or reserve, true and faithful answers to all inquiries of the said pilots concerning the same; and the said pilot is hereby required and commanded to acquaint the master or commander of every such ship or vessel, that he shall not himself, nor suffer any of his sailors, passengers or people, to come on shore from on board any such ship or vessel; neither shall the pilot nor any other person or persons bring the master or commander, or any of the said sailors, passengers or people of such ship or vessel from on board the same,

Pilots to take an oath.

True answers to be given by masters of vessels to the inquiries of pilots.

unless for the purposes hereinafter mentioned, until the said ship or vessel be first admitted by the Governour or Commander-in-chief, or such other person as shall be appointed by the Governour or Commander-in-chief, at each respective port or harbour, for the time being, to enter and trade; but the said pilot, master or commander shall (wind and weather permitting, bring the said ship or vessel above Fort Johnson, or such other fit place in each respective port and harbour in this Province as shall be hereafter appointed by the Governour or Commander-in-chief, or such other person as shall be appointed as aforesaid for that purpose; so that such ship or other vessel may be under the command of the guns of the said fort or place.

A. D. 1759.

No person to leave the vessel till permitted by authority of the Governor.

III. *And be it further enacted* by the authority aforesaid, That the said pilot or pilots, having duly made the inquiries aforesaid, shall order the said ship or vessel so brought into each respective port or harbour in this Province, to come to an anchor or lie by at a convenient place and distance, within the command of the guns of Fort Johnson, or of the guns of the fort (where any is) of each respective port or harbour in this Province, as aforesaid, and shall direct the said master or commander of the said ship or vessel to make immediate application to the commander of the said fort; and where there is or shall happen to be no fort, then to the person appointed for that purpose as aforesaid, for the time being, at each port or harbour in this Province, respectively, as hereinafter is directed.

To anchor under the guns of the fort.

To make application to commander of the fort.

IV. *And be it further enacted* by the authority aforesaid, That if the master or commander of the said ship or vessel brought to anchor or lying by, as aforesaid, is incapable of repairing to the said fort or other place appointed or to be appointed for that purpose by the Governour or Commander-in-chief for the time being, at each port or harbour in this Province respectively where there shall be no fort, to make oath before the commander of the said fort, or other person appointed for that purpose as aforesaid, with respect to the state and condition of health of the said ship or vessel's crew and passengers, (negroes and slaves, if any such) and other people whatsoever then on board, or which (during her present voyage) belonged unto her; then, and in such case, the doctor (if any there be belonging to the said ship or vessel) with any one other officer, or where there shall be no doctor, then an officer and a common sailor, shall apply himself or themselves to the commanding officer of the said fort, or where there is no fort then to such person appointed for that purpose as aforesaid, and before him shall answer truly to the following questions, upon his or their respective oath or oaths, which oath or oaths the said commanding officer or person appointed as aforesaid shall and he is hereby required and authorized to administer, and to take the respective answers thereunto; that is to say, whether or not the place or port from whence the said vessel came last was healthy; whether or not all the sailors, passengers, (negroes or slaves, if any) and people, imported in the said vessel, are in health, and free from the small pox, plague, malignant fever, and all contagious distempers; and if any of them shall happen to be sick, then how many are so, and what distemper they and each of them are sick of; whether or not any of the said sailors, passengers, negroes, slaves or people, which were on board the said ship or vessel, died in their voyage to this Province; and if any person or persons died in the said voyage, how many of them, what distemper they died of, and how long since. And in case the said master or commander, doctor, officer or common sailor, belonging to such ship or vessel that shall come to this Province as aforesaid, shall answer such questions on oath, as above mentioned, and shall swear that all the sailors, passengers, (negroes or slaves, if any)

Masters to report the condition of health of their vessels.

Questions to be answered on oath.

Substance of the oath and examination.

A.D. 1759.

In case of infection or refusal to be examined, the vessel to be removed to quarantine ground,

and submit to the appointed regulations.

No vessel from an infected port to enter Charlestown.

Port physicians appointed.

Their fee.

and people, imported in the respective ship or vessel to which the deponent or deponents belong or came to this Province in, are free from the small pox, plague, malignant fever, and all other contagious distempers, and what ship or ships, vessel or vessels, he, or any of the ship's company with his privity, went on board, or had any of their company on board his ship or vessel, in the voyage, and to what place such ship or ships, vessel or vessels belonged, and from whence she last came; and if it shall appear to the commanding officer of Fort Johnson, or any other fort or port or harbour in this Province, for the time being, respectively, upon such examination or otherwise, that the said ship or vessel's crew, passengers, negroes or slaves (if any) and people are in good state of health, and free from all infectious distempers, then he shall permit and suffer the said ship or vessel to come up before Charlestown, Georgetown, Beaufort town, or other place, whereunto such ship or vessel shall be then respectively bound; but if it shall appear to the Governour or Commander-in-chief, or such other person appointed as aforesaid, on examination had on oath, as herein prescribed, that any ship or vessel, or any of her crew, passengers, negroes or slaves, or other people on board of or belonging to her, is or are infected with any malignant or contagious distemper; or in case the person or persons or any of them, so obliged to declare on oath as above required, shall refuse or neglect to swear, as by this Act is directed, then and in such case the said ship or vessel, with all her crew, passengers, negroes or slaves (if any) and people, imported, shall be immediately compelled to remove and come to anchor at such convenient place as the Governour or Commander-in-chief of this Province for the time being, or, in his absence, such person as shall be by him appointed for that purpose, shall appoint, and there shall lie and perform quarantine, so long and in such manner as his Excellency the Governour or the Commander-in-chief for the time being, or, in his absence, the person by him appointed for that purpose, shall see fit; and the master or commander of such ship or vessel, appointed and ordered so to lie and perform quarantine, shall, during the term and continuance thereof, receive, observe, obey and perform all such rules and orders as the said Governour or Commander-in-chief shall judge proper and necessary to issue from time to time in relation to the cleansing and purifying such ship or vessel, and victualling her crew, passengers, negroes or slaves (if any) and people, and likewise of the cargo, goods and tackle that shall be imported in her.

V. *And be it further enacted* by the authority aforesaid, That no ship or other vessel which shall come into the port of Charlestown aforesaid, from any port or place at which the commander of Fort Johnson for the time being shall have received credible information that there is then raging the plague, or any malignant fever, small pox, or other contagious distemper, shall be permitted to pass by the said fort until some one of the physicians hereinafter named, that is to say, Dr. John Moultrie, Dr. David Oliphant, Dr. Alexander Garden, Dr. George Mulligan, Dr. Lionel Chalmers, Dr. Samuel Carne, Dr. John Murray, Dr. William Murray or Dr. John Cleland, shall have visited such ship or vessel, and also certified to the commander of the said Fort Johnson that all the sailors, passengers, negroes or slaves (if any) and other people on board such ship or vessel, are free and clear from any contagious or infectious distemper; and the owner or owners or master or commander of every such ship or vessel shall and is or are hereby obliged and required to pay such physician a fee of seven pounds ten shillings current money, and moreover the expence of the boat and hands to carry down such physician to visit the said ship or vessel and to bring him up again to Charlestown. Nor shall any

ship or vessel, under the like circumstances, be permitted to enter any port or harbour in this Province till some physician or person of experience, to be deputed by the persons appointed as aforesaid respectively, where no physician can be had, shall have visited the said ship or vessel, and certified to such persons as aforesaid respectively, that to the best of their judgment and belief, such ship or vessel and the crew, passengers, negroes and slaves are free and clear from any contagious or infectious distemper; for which he shall receive a fee of seven pounds ten shillings current money, together with his expenses of going on board and returning, to be paid in the manner aforesaid.

A. D. 1759.

Same rule as to other ports and harbours in this Province.

VI. *And be it further enacted* by the authority aforesaid, That in all cases where ships or other vessels by this Act are directed to be visited by a physician, the commanding officer at Fort Johnson aforesaid shall immediately make a proper signal at the said fort, to notify that such vessel is to be visited; and thereupon one of the said physicians shall forthwith go down and visit and report the true state of health of such ship or vessel's crew, passengers, negroes and slaves (if any) and people as aforesaid; and where any ship or vessel, under the like circumstances, bound to any port in this Province, is to be visited as aforesaid, then notice shall be given by the person appointed at such port, as aforesaid.

Signals to be made for the physicians to visit.

VII. And whereas, it hath been found by experience that the importation of negroes and slaves into this Province, from the coast of Africa and elsewhere, doth endanger the health of the inhabitants of this Province, by means of such negroes being often infected with the small pox and other malignant and contagious distempers; and whereas, a pest house is already constructed on Sullivan's Island, near the entrance into the port and harbour of Charlestown aforesaid, for the reception of all infected or distempered persons which shall be brought into this Province, *Be it further enacted* by the authority aforesaid, That no ship or other vessel which shall, from and after the passing of this Act, arrive or come into this Province, over the bar of the said port of Charlestown, with more than thirty passengers or white servants, or ten negroes or slaves more than the number that may be necessarily and really employed for the navigating or sailing of such ship or vessel, shall be permitted upon any pretence whatsoever to come up above Fort Johnson aforesaid, into Cooper or Ashley rivers, in this Province, except as is hereinafter excepted, before all the passengers, servants, negroes and slaves, so imported or brought in such ship or vessel, shall have been landed or put on shore on Sullivan's Island aforesaid, and there shall have remained for the space of ten days, or have been carried on shore there five days in the space of the said ten days, and shall have remained on such shore six hours in each of the said days in the summer, or five hours of each day in the winter, that they shall be so on shore in, at the party's own election, and until such time as a certificate has been obtained from one of the physicians hereinbefore named, or other person aforesaid, of the said crew, passengers, servants and slaves being free from any malignant or infectious distemper; which visit of the physician or person as aforesaid shall not be made before the ninth day after the arrival of such ship or vessel. Which regulation is hereby likewise directed to be observed at each port respectively in this Province, by such persons respectively as shall be appointed by the Governor or Commander-in-chief as aforesaid, before such ship or vessel shall be permitted by such person as aforesaid to enter the port or harbour whereunto such ship or vessel is then bound; any law, usage or custom to the contrary in any wise notwithstanding.

Passengers and white and black servants to be put on shore at Sullivan's Island, there to remain ten days.

Port physician to visit on the ninth day after the vessel's arrival.

A. D. 1759.

Negroes and slaves landed contrary to the direction of this Act, to be forfeited.

VIII. *And be it further enacted* by the authority aforesaid, That in case any negroes or slaves so imported and brought into this Province over the bar of Charlestown as aforesaid, shall be sold, landed or put on shore in any part of the said Province, contrary to the true intent and meaning of this Act, and before such negroes or slaves have been landed and remained by the space of ten days, or carried and remained on shore five days, on Sullivan's Island, as aforesaid, (unless such negroes or slaves, upon just apprehension of an hurricane or other threatening disaster, shall be ordered by the Governour or Commander-in-chief for the time being, to be removed from thence to some other place for safety, in this Province, without the limits of Charlestown aforesaid,) where such vessel shall be purified, and the slaves be landed, as is directed to be done at Sullivan's Island, that then all such negroes and slaves shall be and are hereby declared to be forfeited, and shall be sued for, recovered, applied and disposed of as hereinafter is directed.

Persons going on board before the quarantine is expired, shall remain till quarantine is over.

And also forfeit their canoe or boat.

Also £50, proclamation money.

Or in case of want of property, shall suffer such corporal punishment as the judges or justices shall direct.

No person to come on shore without permission.

IX. *And be it further enacted* by the authority aforesaid, That in case any person or persons whosoever (not having the permission of the Governour of this Province or the Commander-in-chief for the time being, as aforesaid, for so doing) shall go on board any ship or vessel performing quarantine, or shall presume to land or go on shore at Sullivan's Island aforesaid, while any ship or other vessel's crew, passengers, negroes, slaves or other people are there performing such quarantine as aforesaid, all and every such person and persons shall be and he, she or they is and are hereby required and obliged to remain on board such ship or vessel, or at Sullivan's Island aforesaid (as the case shall happen to be) until the term or time which such ship or vessel, or her crew, passengers, negroes, slaves or people so obliged to perform quarantine as aforesaid, shall be expired; and moreover shall forfeit and lose, over and besides all and every the canoe and canoes, boat and boats, with the goods and tackle which shall be found therein or thereto then belonging, in and with which such person or persons so offending went on board such ship or vessel, or landed from upon Sullivan's Island, while such ship or vessel, or her crew, passengers, negroes, slaves or people shall be performing quarantine as aforesaid, the sum of fifty pounds proclamation money each person, to be sued for, recovered, applied and disposed of as is hereafter directed; and in case any such offender or offenders shall not pay the said penalty, upon his, her or their conviction of the said offence, or shall neglect or refuse to give special bail to the action, immediately after the service of the writ or warrant, or shall happen to be a slave or slaves, it shall and may be lawful to and for the chief justice of this Province for the time being, or any of the assistant judges, or any two justices of the peace of the county wherein such offender or offenders shall happen to be, and the said chief justice, assistant judge or judges and justices of the peace are hereby respectively authorized and required, upon proof of the matter, summarily to order the provost marshal or keeper of the common goal, or the next constable of the said county, to inflict or cause to be inflicted, on such offender or offenders, such corporal punishment, not extending to life or limb, nor less than thirty-nine stripes on the bare back, in some public place or places, as the said chief justice, assistant judges or two justices of the peace respectively, shall judge proper and adequate to the offence, and immediately after such punishment such offender or offenders shall be discharged.

X. *And be it further enacted* by the authority aforesaid, That no master or commander, doctor, officer, seaman, passenger, or other person or persons whatsoever, arriving in any ship or other vessel infected, or that shall be performing quarantine in this Province, shall be permitted to come on

shore in any part of the said Province, (otherwise than is, in and by this Act, directed and provided,) until the term or time that shall be appointed and limited for such ship or vessel to perform her respective quarantine; or that such negroes or slaves imported into this Province in her, and liable to continue ten days at Sullivan's Island as aforesaid, shall be expired; and in case any such master or commander, officer, doctor, seaman, passenger, or other person or persons as aforesaid, shall offend herein, he, she or they shall be immediately sent back to and on board such ship or vessel so performing quarantine, or to Sullivan's Island aforesaid, or other place (as the case shall happen to be) from whence such offender or offenders came, who for such offence shall severally forfeit the sum of fifty pounds proclamation money, to be sued for, recovered, applied and disposed of in such manner as is hereinafter directed.

A. D. 1759.

Persons so offending to be sent back and fined £50.

XI. *And be it further enacted* by the authority aforesaid, That the master or commander of every ship or other vessel that shall hereafter come over the bar of the harbour of Charlestown aforesaid, with negroes or slaves, more than such and so many as are hereinbefore limited, before such ship or vessel be permitted to pass Fort Johnson aforesaid, shall be, and he and they is and are hereby obliged and required, to make oath before the commander of the said Fort for the time being, that he and they respectively have or hath complied with the directions of this Act, in relation to the landing and carrying on shore the negroes or slaves which were imported in his or their ship or vessel, at Sullivan's Island as aforesaid, which oath the said commander of the said fort is hereby also required and empowered to administer accordingly.

Masters of vessels, before passing the bar at Charlestown to make oath of having complied with the directions of this Act.

XII. *And be it further enacted* by the authority aforesaid, That the commanding officer at fort Johnson, and at every other fort, in any other port or harbour in this Province, for the time being, do not, nor shall permit any such ship or vessel, coming into this Province, to pass their respective forts; nor shall the masters or commanders, officers or seamen to such ship or vessel respectively belonging, presume to pass the same, until he or they shall have been examined upon oath, as hereinbefore is directed and permitted so to pass with such ship or vessel: Provided always nevertheless, that in hurricanes or extremity of weather, when ships or vessels cannot, without apparent danger, ride at anchor in their prescribed roads, under quarantine, that then and in all such cases, the respective masters and commanders of such ships or vessels may and shall, and they and every of them are hereby permitted to weigh or slip anchor, and to make the best of the way to the most safe and commodious place up the respective river or rivers, creek or creeks, that they can reach, for their security, until the said hurricane or extremity shall be over, and then shall immediately weigh anchor again, and (if possible) return and come to anchor at the respective road or roads from whence the said ship or vessel weighed or departed as aforesaid; but in case she or they shall be by any means prevented from returning as aforesaid, then such ship or ships, vessel or vessels, shall remain there until the Governor or Commander-in-chief for the time being, shall give further orders concerning the same.

Commander of fort Johnson, &c. not to permit a vessel to pass till examined.

Permission in cases of storms and dangerous weather.

XIII. *And be it further enacted* by the authority aforesaid, That when any pilot or pilots shall go on board any ship or vessel that shall be obliged to lie or perform quarantine as aforesaid, the master or commander of every such ship or vessel, his executors or administrators, shall be, and he and they is and are hereby obliged and required to pay unto such pilot or pilots, his or their respective executors or administrators, the sum of twenty shillings proclamation money, for every day that such ship or

Pilot to be paid 20s. proclamation money per day.

A. D. 1759.

Unless the master informed the pilot of some contagious disorder on board, or the pilot omitted a due examination.

In case of false information or answers on examination,

Fines and penalties to be inflicted in such case,

This Act to be put in force at every port of entry.

vessel, her crew, passengers, negroes or slaves (if any) and people, shall be obliged to perform quarantine as aforesaid, in recompence for each pilot's loss of time while lying quarantine: Provided always, that in case it can and shall be made appear on the part or behalf of such master or commander, by the oaths of any two or more competent witnesses, that the said master or commander duly acquainted such pilot or pilots, before he or they entered on board such ship or vessel, that the said ship or vessel had some contagious distemper on board of her, or that the pilot or pilots omitted to ask the necessary questions required by this Act, then such pilot or pilots shall have no such recompence as aforesaid; any thing hereinbefore contained to the contrary notwithstanding.

XIV. *And be it further enacted* by the authority aforesaid, That in case the master or commander, doctor, or any of the officers or common sailors of any ship or vessel, shall wilfully give a false account of the state of health of any of the said vessel's crew, passengers, negroes or slaves, (where any there shall be) or people, as aforesaid, or untrue answer to any of the questions hereinbefore appointed to be put to them, and to be by them answered on oath, or if they or any of them, or the commander of fort Johnson, or of any other fort built or that shall be built in any other port or harbour of this Province, or any person or persons appointed as aforesaid, respectively, or any pilot or pilots appointed or that shall be appointed for any of the ports or harbors in this Province, shall offend in any of the premises, or refuse or neglect to do and perform all and every the matters and things which by them respectively are by this Act required and enjoined to be observed, done and performed, they and each of them respectively, (where no penalty is hereinbefore provided and appointed for such particular offence or offences) shall be subject and liable to the following pains, penalties and forfeitures: that is to say, the master, commander or doctor of such ship or vessel, to the sum of two hundred pounds proclamation money, and one year's close imprisonment, without bail or mainprize; the mate or any other officer of such ship or vessel, to the sum of one hundred pounds proclamation money, each of them respectively, and six months close imprisonment, without bail or mainprize; any and every of such common sailors of such ship or vessel, to the sum of ten pounds proclamation money, each of them respectively, and three months close imprisonment, without bail or mainprize; the commander of fort Johnson, and of every other fort in any port or harbour in this Province, each of them respectively, to the sum of one hundred pounds proclamation money; and the pilot or pilots aforesaid, to the sum of one hundred pounds proclamation money, each of them respectively, and shall also be incapable of acting again as pilot or pilots, to or for any port or harbour in this Province.

XV. *And be it further enacted* by the authority aforesaid, That in the several ports and harbours of Georgetown, Winyaw, Beaufort, Port Royal, and every other port and harbour in this Province, that is or shall be made a port of entry, the Governor or Commander-in-chief of this Province for the time being shall, and he is hereby authorized, to put in execution all the powers herein granted to the proper officer and persons in and appointed for the said port and harbor of Charlestown, as near as may be, agreeable to the purport, true intent and meaning of this Act; and that all and every officer and officers, person and persons, which shall be appointed for those salutary purposes, shall on all occasions immediately transmit true accounts to his Excellency the Governor, or to the Commander-in-chief of this Province for the time being, of the condition and state of health of all persons of whatsoever denomination, in every

ship or vessel coming into this Province, on board of which any contagious or malignant distemper may be, or suspected to be, or that shall be liable to lie quarantine as aforesaid, and shall likewise well and duly observe and follow all such further directions concerning the same, as he or they shall from time to time receive from the Governor or Commander-in-chief for the time being; and the said officer and officers respectively, shall each of them, for the neglect or non-performance of his or their duty therein, be under and subject to the same penalties and incapacities, as in and by this Act is imposed on the commander of fort Johnson for neglect of duty as aforesaid.

A. D. 1759:

The directions of the Governor to be complied with.

XVI. *And be it further enacted* by the authority aforesaid, That all the fines, penalties and forfeitures inflicted and imposed by this Act, and not particularly disposed of nor the manner of recovery ascertained or directed, shall be sued for and recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be admitted or allowed of, nor any more than one imparlance; one moiety or half part of which fines, penalties and forfeitures shall go and belong to his Majesty, his heirs and successors, for the use of this Province, to be applied and disposed of as the General Assembly of the said Province for the time being shall order and direct, and the other moiety or half part thereof, to him, her or them who will inform, sue for or prosecute the same to effect; and the defendant and defendants, in every such action and actions, which shall be brought for the recovery of any fine, penalty or forfeiture aforesaid, shall be held to special bail as aforesaid; any law, usage or custom to the contrary thereof in any wise notwithstanding.

How fines and forfeitures are to be recovered.

By qui tam action.

XVII. *And be it further enacted* by the authority aforesaid, That in case of neglect or failure of any informer or informers, to sue effectually for all or any of the fines, penalties and forfeitures that shall be incurred by any offender or offenders, against the authority of this Act, then and in every such case the public treasurer of this Province for the time being, shall and he is hereby strictly obliged, enjoined and required, immediately upon information thereof, to prosecute and sue to effect, all and every such offender and offenders; and in case the said public treasurer, after notice shall be given him of such offence or offences being committed as aforesaid, for which the offender or offenders is or are not, or hath or have not been effectually sued or prosecuted as aforesaid, shall refuse or neglect to prosecute the said offender or offenders effectually, then the said public treasurer shall forfeit and pay the sum of two hundred pounds proclamation money, to be sued for and recovered, applied and disposed of as in and by this Act is before directed for and concerning the other fines, penalties and forfeitures thereby inflicted.

Public treasurer may sue.

His forfeiture for neglect of duty.

XVIII. *And be it further enacted* by the authority aforesaid, That in case any officer or officers, pilot or pilots, or other person or persons whatsoever, shall be sued or prosecuted for any matter or thing by him, them or any of them done or to be done, in pursuance and execution of the directions contained in this Act, it shall and may be lawful, to and for such officer and officers, pilot and pilots, and other such person and persons, or any of them, to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs, prosecutor or prosecutors, in any such action or suit, shall discontinue, become nonsuit, or a verdict shall pass against such plaintiff or plaintiffs, prosecutor or prosecutors, it shall and may be lawful to and for the court in which such action or actions shall be sued, prosecuted or commenced, to tax and allow to every defendant therein, his and their treble costs of

General issue may be pleaded, and this Act given in evidence.

A. D. 1759.

suit, for which the defendant or defendants shall have the like remedy as by law is given to other defendants.

Certain Acts
and parts of
Acts repealed.

XIX. *And be it further enacted* by the authority aforesaid, That all and every former Act and Acts of Assembly of this Province, made for preventing the spreading of contagious or malignant distempers, as also the fourth paragraph of an Act entitled "An Act to revive and continue the several Acts of the General Assembly of this Province therein mentioned," and for amending one of the said Acts entitled "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels;" and also another of the said Acts for preventing contagious distempers, passed the thirteenth day of April, in the year of our Lord one thousand seven hundred and fifty-six, and by which paragraph a certain number of physicians were nominated and appointed for the visiting of ships and vessels coming to this Province, be and they are hereby declared to be repealed and utterly null and void to all intents and purposes.

Limitation five
years.

XX. *And be it further enacted* by the authority aforesaid, That this Act and every thing herein contained, shall continue of force for the term of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 7th day of April, 1759.

Assented to: WILLIAM HENRY LYTTTELTON.

No. 882. *AN ACT* FOR THE MORE EFFECTUAL RELIEF OF INSOLVENT DEBTORS; AND FOR THAT PURPOSE PUTTING IN FORCE, AND EFFECTUALLY CARRYING INTO EXECUTION, IN THIS PROVINCE, SUCH PART OF AN ACT MADE IN THE PARLIAMENT OF GREAT BRITAIN, IN THE SECOND YEAR OF HIS PRESENT MAJESTY'S REIGN, ENTITLED *An Act for the Relief of Debtors with respect to the imprisonment of their persons, as is hereinafter mentioned*; AND TO REPEAL THE SEVERAL ACTS OF ASSEMBLY NOW OF FORCE IN THIS PROVINCE, FOR THE RELIEF OF INSOLVENT DEBTORS.

Preamble.

WHEREAS, the several Acts heretofore made in this Province, and still remaining of force, for the relief and discharge of poor, distressed and insolvent prisoners for debt, have proved ineffectual, in a great measure, to answer the salutary and good ends intended by such acts: And whereas, many idle and extravagant persons have been encouraged to contract many debts beyond their capacity of ever paying, and others to submit themselves to a prison, and there spend what would make their creditors reasonable satisfaction: And whereas, there may be many others who are proper objects of compassion, and may be willing to satisfy their creditors to the utmost of their power: *Be it enacted*, That if any person or persons whatsoever, shall be hereafter sued, impleaded or arrested, for any debt, duty, demand, cause or thing whatsoever, (except for such matters, causes and things as are hereinafter excepted) and shall be

mind to make surrender of all his, her or their effects towards satisfaction of the debts wherewith he, she or they stand charged, or in which he, she or they shall be indebted to any person or persons whatsoever, it shall and may be lawful for every such person or persons, within one *month after he, she or they shall be taken into custody, to exhibit a petition to any of the courts of law from whence such process issued, certifying the causes of his, her or their imprisonment, together with an account of his, her or their real and personal estate, with the dates of the securities wherein any part of it consists, and the deeds, notes or vouchers relating thereto, and the names of the witnesses to the same, as far as his, her or their knowledge extends therein; and upon such petition, the court may, and is hereby required, by order or rule, to cause the petitioner to be brought before them, and as well the creditors at whose suit such person or persons shall stand charged, as all other the creditors to whom he, she or they shall be indebted, be summoned by public notice to be given three *months at least in one or other of the Gazettes, or for want of a Gazette, then in such manner as the said court, or the justices thereof, shall direct, personally or by their attorney, to appear at the said court, or before the said justices of the said court respectively, at a day certain, by them for that purpose to be appointed, at or after the expiration of the said three months; and upon the day of such appearance, if any of the creditors so summoned shall neglect or refuse to appear, upon affidavit made of the service of such rule or order, in manner aforesaid, the court shall, in a summary way, examine into the matter of the said petition, and hear what shall be alledged for or against the discharge of the said petitioner; and upon such examination, the court, or the justices thereof, may, and are hereby required, to administer or tender to the petitioner an oath in the following words:

"I, A B, do solemnly swear, in the presence of almighty God, that I have been a prisoner in the common goal of this State, *from the time of my being arrested, or *within ten days after, at the suit of ———, without my consent or procurement, and without any fraud or collusion whatsoever; and that the account by me delivered into this honorable court, with my petition to this court, doth contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever, without exception, which I, or any person in trust for me, have, or at the time of my said petition had, or am, or was in any respect entitled unto, in possession, remainder or reversion; and that I have not at any time since my being sued, arrested or imprisoned, or before, directly or indirectly, sold, leased, assigned, or otherwise disposed of, or made over in trust for myself or otherwise, other than as mentioned in such account, any part of my lands, estate, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my creditors to whom I am indebted; and that I will, to the utmost of my power, endeavour to collect all and singular the title deeds to my lands, together with the remainder of my goods and effects contained in my said account, and the vouchers relating to or concerning the same, wheresoever or in whosoever hands they may be within this Province, and will surrender the same to my assignee or assignees as soon as possible, after my discharge: and that I have not expended more than 6s. 3d, per diem, out of my estate for my subsistence, since I have been a prisoner as aforesaid. So help me God."

A. D. 1759.

If any person hereafter sued, shall be minded to surrender all his estate towards satisfying his debts, he may within 1 month exhibit a petition to any court of law whence process issued against him, certifying the cause of his imprisonment, together with an account of his estate, &c. upon which petition the court shall order the petitioner before them, and the creditors of such petitioner be summoned to appear by 3 months public notice, when the court shall examine into the matter of said petition, and hear what shall be alledged for or against the petitioner's discharge.

Oath to be administered to the petitioner.

* See section 6th of A. A. February 29th, 1788.

A. D. 1759.

After the petitioner's taking the said oath, the court may deliver up so much of his bedding, apparel, tools, &c. as they shall judge suitable, and thereupon order the lands, goods and effects contained in his account, to be assigned over to some creditor in trust for so many as shall be willing to receive a dividend and demand the same within twelve months, by which assignment the property shall be vested in the assignee, who may sue, &c. And the petitioner upon executing such assignment, &c. shall be discharged from all creditors suing or taking a dividend.

But may be remanded to goal if he does not deliver up his effects in a limited time.

No creditor prior to an insolvent debtor's petitioning, can sue in less than 12 months after his discharge.

And in case the prisoner shall take the said oath, and upon such examination, and his or her taking the said oath, the said court shall be satisfied with the truth thereof, the said court shall be, and they are hereby, empowered, first to give and deliver up to the said petitioner so much of the necessary bedding and wearing apparel of him and his family, his working tools, and arms for muster, as they shall judge most suitable to his former station and condition in life; and immediately thereupon, they shall order the lands, goods and effects contained in the said accounts, or so much of them as may be sufficient to satisfy the debts wherewith such petitioner as aforesaid shall be charged, and the fees of the keeper of the goal where such petitioner shall be in custody, together with the costs of suit which shall be incurred on the suit or prosecution commenced against such petitioner, and all other costs and fees which shall arise or become due upon prosecuting and obtaining his discharge, by a short indorsement on the back of his or her petition, signed by the petitioner, to be assigned to the creditor or creditors at whose suit such petitioner stands charged, or to such other person or persons as the said court shall direct; and that the assignment so to be made as aforesaid, shall be in trust for the suitor or suitors, and such other the creditors of the said petitioner as shall be willing to receive a dividend of his real estate, goods and effects, and shall within twelve months after the time of exhibiting the petition make their demands; and by such assignment the estate, interest and property of the lands, goods and effects so assigned, shall be vested in the persons to whom such assignment is made, who may take possession of, or sue for the same in his or their own name or names, in like manner as assignees in commission of bankrupts can or lawfully may do by the laws or statutes of Great Britain; to which suit no release of such petitioner, his, her or their executors or administrators, or any trustee from him or her, subsequent to such assignment, shall be any bar: And the said petitioner upon executing such assignment (and when he shall have delivered up into the hands of the said assignee or assignees, all and singular his title-deeds, vouchers and effects contained in his said account, so far as in his power so to do) shall be forthwith discharged, by order of court aforesaid, from such suit or suits, and shall also thenceforth be acquitted and discharged of, from and against all such other of his or her creditors as shall have received their dividend as aforesaid, for all debts, contracts and demands whatsoever: Provided, that such debtor or debtors shall also, within six months after such his or their discharge, deliver up to the said assignee and assignees, all such goods and effects contained in the said schedule, as shall be afterwards in their power to deliver: And in case any such debtor or debtors shall neglect or refuse so to do within the time aforesaid, it shall and may be lawful for the said justices, upon the application, upon oath, of the said assignee or assigness, again to remand the said debtor or debtors to prison, there to remain, unless good cause shall be shewn by him or them to the contrary, until he or they do fully comply with the terms of this law. And provided, that nothing herein contained shall extend to discharge such debtor or debtors from or against the debts, claims or demands of such of the petitioner's creditors, as shall not have received their dividend of the said petitioner's estate, goods and effects.

II. *And provided also*, That no such creditor or creditors who shall either accept or refuse a dividend of the said petitioner's estate, shall be at liberty to sue, implead or arrest such petitioner, for any debt or debts, or demands whatsoever, contracted, due or owing to or with any such creditor or creditors, at or before the time of preferring the petition of such debtor or debtors, whereby to charge the person or persons of such debtor

or debtors in the custody of the provost marshal or gailor, in less than twelve months after his, her or their discharge by virtue of this Act. A. D. 1759.

III. *And be it further enacted*, That the person or persons to whom the said assignments are made, shall be, and are hereby declared to be, trustees for all and singular the creditors of the said petitioner, who are willing to come and receive their dividends, and who shall within twelve months after his discharge deliver unto the said trustees, or any of them, an exact account, upon oath, of the several debts and demands to them owing; and the said trustee or trustees, after having sold the said petitioner's lands and effects, and collected in the several debts due to him, which they are hereby required to do with the utmost expedition, shall thereout first satisfy and discharge the said costs of suit and other costs and fees aforesaid, and shall next deduct and retain, in his or their own hands, a reasonable recompence for his or their trouble in executing the said trust, to be fixed and allowed by the court by whom such person or persons was appointed trustee or trustees. And such trustee or trustees shall, within one month thereafter, divide the remaining balance of the said estate, among such of the creditors who deliver in the amount of their demands within the time aforesaid, according and in proportion to their several and respective debts; first giving three months public notice of the time and place when and where such division is to be made. And in case it shall happen that the whole of the petitioner's estate shall not have come to the hands of the said trustee or trustees by the time prescribed for making such division, then such trustee or trustees shall be obliged, and they are hereby required, at the end of every six months thereafter, to make a dividend of so much of the same as shall come to his or their hands, amongst such creditors as aforesaid, until the whole shall be received.

Assignees in trust for the creditors of insolvent debtors, directed how to act.

IV. And all' and every person and persons to whom any of the estate, real or personal, of the said petitioner, is or shall be assigned, mortgaged or otherwise conveyed in trust, or the attornies, agents, executors or administrators of such person or persons, shall at the time and place appointed by the said court for the appearance of the creditors of the said petitioner, then and there deliver into the said court a fair accompt or accompts, on oath then to be administered by the said court, of all the monies that are really and bona fide due and owing unto them, or either of them, in right of themselves or testators, intestates or constituents, from such petitioner, upon such mortgage, assignment or conveyance: And if the estate so conveyed shall to the said court appear to be more than sufficient to satisfy the said sum or sums of money so due upon the said accompt or accompts, they shall order, and they are hereby respectively authorized to give orders to, the said trustees or either of them, to sell and dispose of such estate, at public outcry, to the best advantage, in not less than one month thereafter, and not exceeding twelve months; and the monies arising from such sale, the said trustees shall apply, first towards discharge of the said sum or sums so due unto such assignee, mortgagee, or other person or persons to whom such conveyance was made as aforesaid, and the residue thereof shall pay and apply in like manner as other parts of the aforesaid petitioner's estate are hereinbefore directed.

Mortgages made by insolvent debtors must be proven in court, when the creditors are summoned to meet there, and if it appears there is more than will satisfy the debt secured, the court may order such mortgaged estate to be sold, &c.

V. *Provided*, That any trustee or mortgagee, who shall be, at the time of this notice aforesaid being given, out of the limits of this Province, and who have no attornies, factors, managers or agents, who can be summoned within the time mentioned in the notice hereby required to be given, shall have such further time and indulgence, to deliver into the said court

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Such further time allowed to absent mortgagees, assignees, &c. to prove their debts, as the court shall think needful.

a fair accompt or accompts of all the monies that are really and bona fide due and owing unto them, in manner aforesaid, as the said court shall, upon application for that purpose, under the circumstances of the case, think needful or expedient; and that such absent trustee or mortgagee, their attornies, factors, managers or agents, who cannot be summoned within the time aforesaid, shall transmit to the clerk of the said court, at or before the time to be appointed by the court for that purpose, a fair and attested accompt or accompts of the monies due upon such conveyance or conveyances, as is hereinbefore directed; and that such affidavit and return shall be, and is hereby declared to be, as sufficient and effectual, to all intents and purposes whatsoever, as if they, or any of them, had appeared with such accompt or accompts before the said court, in his, her or their proper persons. Provided also, that such affidavit, so to be transmitted as aforesaid, shall be taken in manner and form as is required by an Act of Parliament passed the fifth year of his present Majesty, entitled "An Act for the more easy recovery of debts in his Majesty's Plantations and Colonies in America."

Affidavits admitted as proof, where persons are unable to appear.

VI. And if any person or persons to whom such conveyances is or shall be made, his, her or their attorney, agent, executors or administrators, or any of them, shall by sickness or other lawful impediment be unable to appear, at the time and place hereinbefore appointed; and if affidavit shall be made and taken upon such his, her or their inability to appear and attend as aforesaid; and if with such affidavit he, she or they shall transmit to the clerk of the said court, at or before the said appointed time, such fair and attested accompt or accompts of the money due upon such conveyance or conveyances, as is hereinbefore directed, such affidavit and return shall be, and is hereby declared to be, as sufficient and effectual, to all intents and purposes whatsoever, as if they, or any of them, had appeared with such accompt or accompts before the said court in his, her or their proper person or persons. Provided, that such affidavit shall be taken before, and certified by, two justices appointed to keep the peace within this State.

Mortgages, conveyances, &c. not proven, to be deemed fraudulent, &c.

VII. In case any debtor, at any time before his or her being taken into custody, shall have made any conveyance, bill of sale, or assignment, of any lands, tenements, goods or chattels whatsoever, to any person or persons whosoever, all and every such person and persons to such mortgage, bill of sale, assignment or other conveyance, that is or shall be made as aforesaid; or if his or their attorney, agent, executors or administrators, shall not appear before the said court, at the time hereinbefore appointed for the appearance of the creditors of such insolvent debtor; nor in case of their or either of their sickness or other lawful impediment, shall transmit such affidavit and attested accompt as is hereby directed; and then and there make oath, that such mortgage, bill of sale, assignment or other conveyance, was made, to the best of their knowledge and belief, for a valuable consideration actually paid; or that such judgment was for a debt bona fide due; then every such person or persons, his, her or their attornies, agents, executors or administrators, shall be deemed to have taken and accepted from the said petitioner a false and feigned trust, with intention to defraud the creditors of the said petitioner, and to conceal his estate and effects from them; and every such mortgage, bill of sale, judgment, assignment or other conveyance, shall be, and is hereby declared to be, null and void to all intents and purposes: And the lands, tenements, goods and chattels thereby conveyed, and

money paid upon such judgment, shall be vested in the said trustees, in like manner and for the like purposes as all the other estate and effects of the said petitioner are hereby directed to be vested. A. D. 1759.

VIII. *Provided*, That no person or persons shall be entitled to the benefit of this Act, who shall be sued, impleaded or arrested for damages recovered in any action for wilful maihem, or wilful and malicious trespass, or for damages recovered in any action for voluntary and permissive waste, or for damages done to the freehold. In what cases persons shall not be admitted to the benefit of this Act. Provided also, that nothing in this Act shall be construed to extend or give or grant any privilege, benefit or advantage to any person whatsoever who hath or shall for or upon marriage of any of his or her children, hath given, advanced or paid above the value of £100 proclamation money, unless he or she shall prove by his or her books fairly kept, or otherwise upon his or her oath or solemn affirmation, if a Quaker, before the court, that he or she had at the time thereof, over and above the value so given, advanced or paid, remaining in goods, wares, debts, ready money, or other estate, real or personal, sufficient to pay and satisfy unto each and every person to whom he or she was indebted, their full and entire debts; or who hath or shall have lost in any one day the sum or value of £5 proclamation money, or in the whole the sum or value of £20 proclamation money, within the space of twelve months next preceding his or her petition to the court, in playing at or with cards, dice, tables, tennis, bowls, billiards, shuffle-board, or in or by cock-fighting, horse races, dog matches, or foot races, or other pastimes, game or games whatsoever, or in or by bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play, act, ride or run, as aforesaid.

IX. The chief justice and assistant judges of the courts, shall and may proceed, in all cases directed by this Act, at the several courts of common pleas, and the adjournments and return days of the said courts, or any of them, or at the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, or at the adjournments of the said last mentioned court, and at no other time or times whatsoever. The chief justice and assistant judges to proceed according to the directions of this Act, at any court, adjournment, or return day.

X. *And whereas*, many creditors of the person so sued and petitioning for his or her discharge, may not be inclined to accept a dividend of such petitioner's estate, but will rather wait, in hopes of receiving some fuller expectation from the said petitioner's future better fortune: but inasmuch as the said creditors by note, book accompt or contract, who through indulgence or better expectation may delay their suits against such petitioners, may become barred by the Act of limitations of this Province: *Be it therefore enacted*, That any person or persons whatsoever, who shall hereafter be in the custody of the provost marshal of this Province, or of his gaol-keeper or deputy, and who shall once petition the justices of this Province for his or her discharge, every such person or persons, his or their executors or administrators, shall be incapacitated ever afterwards to plead the Act of limitations of this Province, in bar to any action that may afterwards be brought against him or them, by any person or persons that were his or their creditors, for any demand or cause of action that existed at the time of exhibiting the petition for the discharge of the said person when in custody. And in case the Act of limitations of this Province shall afterwards be pleaded by any such person or persons, the said plea shall be set aside by the court where such action shall be brought, upon motion made by the plaintiff or his attorney in such action, upon producing the petition before exhibited by the defendant for his having the benefit of this Act. Persons who petition for the benefit of this Act incapacitated to plead the Act of limitations, in bar to actions thereafter brought for debts due previous to their exhibiting such petition.

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Persons unwilling to accept dividends may perpetuate demands, by proving the same at the courts when insolvent debtors apply to be discharged.

XI. And whenever any person hereafter in custody, shall once petition for his or her discharge, the creditor or creditors of such persons by note, book accompt or contract, not willing to accept a dividend of such petitioner's estate, in order to perpetuate the testimony of his, her or their demand, may be at liberty to prove the quantum of the said demand or balance due from or against such petitioner at the court when such petitioner shall apply for his or her discharge: And a minute or certificate thereof shall be entered with the clerk of the said court, of the sum or balance due to such creditor or creditors; which minute or certificate shall thenceforth be good evidence of the sum so certified to be due from the said petitioner, and shall thenceforth be deemed as an accompt liquidated and stated, and recoverable as such against the said petitioner, his executors or administrators, without further evidence than the said certificate of the said clerk of the court; and against which debt or demand, or any action for the same, the said Act of limitations of this Province shall not be a bar, nor pleadable; any law, usage or custom to the contrary notwithstanding.

No insolvent debtor to be entitled to the benefit of this Act before he shall have been actually confined in gaol the time required.

* XII. That no person or persons, who after the passing of this Act shall be arrested for any debt, duty, cause or matter whatsoever, shall be discharged for the same, unless such person or persons shall actually have remained confined in the common gaol from the time of the arrest, or shall surrender himself on or before the day on which such writ or process, whereupon the said petitioner is arrested, is made returnable, and shall actually remain confined as aforesaid, from the day of such arrest, or within ten days after, until the time wherein the court shall determine whether such person or persons is or are entitled to the benefit of this Act.

The judges may recommit a petitioner to gaol for 12 months, if he has not rendered a true account of his estate, &c.

XIII. *Provided*, That the justices of the court from whence the process issued against any person or persons who shall petition for the benefit of this Act, shall have power, and they are hereby fully authorized and empowered, at the request of the said creditors, to recommit such person or persons to the common goal, there to remain confined for the term of 12 months, in case the said justices shall have any reason to suspect that such person or persons have not rendered a just and true account of his or their real or personal estates, according to the true intent and meaning of this Act: *Provided*, that the creditors requesting such recommitment, shall, during the said term, pay 6s. 3d. per diem to the provost marshal or gaoler, for the subsistence of such person or persons; and in case such creditors shall neglect to pay the same by the space of one week, then the provost marshal or gaoler shall immediately discharge such person or persons from his custody.

Merchants, factors, &c. concealing themselves or absconding, deemed absent debtors, and may be proceeded against upon the attachment Act.

XIV. All and every merchant, factor, shopkeeper, and other persons concerned in trade, who shall abscond or conceal him, her or themselves, in such manner that mesne process or execution cannot personally be served upon him or her, by the space of 3 months, shall be deemed and adjudged to have departed this Province; and all and every his, her and their monies, goods, chattels, debts and books of accompt, in the hands of any other person or persons whosoever, shall be subject and liable to be attached, in the same manner as is directed and appointed with respect to debtors who shall withdraw themselves out of the limits of this Province, in and by an Act passed in the 17th year of his present Majesty's reign, entitled † "An Act for the better securing the payment, and more easy recovery of debts due from any person or persons residing beyond the

* See section 6 of A. A. 29th February, 1788.

† The Attachment Act.

seas, or elsewhere without the limits of this Province, by attaching the monies, goods, chattels, debts and books of accompts of such person or persons, if any he, she or they shall have within this Province; and to empower and enable a feme covert that is a sole trader to sue for and recover such debts as shall be contracted with her as a sole trader; and to subject such feme covert to be arrested and sued for any debt contracted by her as a sole trader."

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XV. And in case it shall, at any time after the discharge of such petitioner, appear that any such debtor did conceal any part of his estate, and not make a full surrender and delivery thereof, such debtor shall not be entitled to the benefit of this Act; and every such debtor shall be deemed and adjudged guilty of perjury, and be punished as the law in that case directs.

Insolvent debtor concealing any part of his estate, not entitled to the benefit of this Act, and declared guilty of perjury.

XVI. In case any debtor or debtors shall abscond, or conceal him, or her, or themselves, in such manner that mesne process or execution cannot be served upon him, her or them as aforesaid, notice thereof shall, by order of court, be published in one or other of the Gazettes, or by writing fixed up in the most conspicuous place in the parish where such insolvent debtor last resided, at the expence of the plaintiff in the action; after which it shall not be lawful for any debtor or debtors to sue for, collect or receive any debts whatsoever which may be due to him, her or them, from any person or persons whosoever. And if any action shall be commenced by any such debtor or debtors, or judgment obtained, at his, her or their suit, and not satisfied before he, she or they absconded or concealed him, her or themselves, the same shall and may be continued and carried on, in his, her or their name or names; but shall, by order of court, be paid and applied to the use of his, her or their creditors. And in case any person or persons indebted to any debtor or debtors so absconding as aforesaid, shall, at any time after public notice having been given as aforesaid, pay any sum or sums of monies due to any such debtor or debtors, to any other than his, her or their creditors, such person and persons shall be obliged, and he, she or they is and are hereby made liable, to pay the same over again, to the creditors of such debtor or debtors so absconding; which may be attached as monies of such debtor in his, her or their hands; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Absconding debtors shall not have power to sue for any monies due to them; but the same shall, by order of court, be paid to their creditors, &c.

XVII. In case any insolvent debtor or debtors, at the time when he, she or they rendered, or shall render, an account of his, her or their estate, pursuant to the directions of this Act, hath or shall conceal any debts that were or shall be owing to them or any of them, it shall not be lawful for the person or persons owing such debts to pay the same, or any part thereof, to or for the use of such insolvent debtor or debtors; but such person or persons shall be, and are hereby, made liable to pay such debts, and every part thereof, to the assignee or assignees of such debtor or debtors, for the use of his, her or their creditors: And such assignee or assignees may sue for the same in his or their own name or names, in like manner as assignees in commissions of bankrupts can or lawfully may do by the laws or statutes of Great Britain; in which suit no release of such insolvent debtor, his or her executors or administrators, or any trustee for him or her, subsequent to the rendering such account, shall be any bar.

If insolvent debtors conceal debts due to them, it shall not be lawful for persons owing the same to pay but to the assignees.

XVIII. And all and every person who shall, within 12 months after the discharge of any such prisoner, voluntarily come in and make a discovery of any part of such debtor's real or personal estate, subsisting at the time of his swearing off, as shall not be comprised in such schedule as aforesaid, before the chief justice or justices of the court, shall be allowed after the rate of 50 per cent. out of the neat produce of such estate so discov-

Fifty per cent. allowed to persons discovering concealed estates.

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ered by him, her or them, as aforesaid, and which shall be recovered on such discovery, to be paid by the trustee or assignee of such debtor's estate and effects.

Every insolvent debtor obliged to assist the trustees to whom his estate is assigned, in the recovery of any part thereof.

XIX. Every insolvent debtor, who shall make an assignment of his or her estate, in trust for the use of his or her creditors, pursuant to the laws for those purposes, shall be obliged, and he or she is hereby required and enjoined, to assist the trustee or trustees at all times when thereunto required, in the recovery of the debts assigned, and in every other matter which shall be thought necessary for the benefit and advantage of the creditors; and in consideration thereof, such trustees shall have power, and they are hereby fully impowered and authorized, in all cases where they shall be of opinion such insolvent debtor hath acted justly and honestly, to make him or her such allowance for the subsistence of such insolvent debtor and his or her family (if any they have) as the said trustee or trustees shall think meet: Provided, that such allowance do not exceed 5 per cent. of the whole money received upon such insolvent debtor's accompt.

The creditors at whose arrest an insolvent debtor is imprisoned, made liable to pay the costs of arrest and imprisonment.

XX. And the creditor or creditors at whose suit any person shall be arrested and imprisoned, who shall be admitted to the benefit of the said Act, shall be, and they are hereby, made liable for and chargeable with the fees due to the provost marshal on account of the arrest and imprisonment of such person; and that it shall and may be lawful to and for the trustees or assignees of such insolvent debtor, and they are hereby directed and required, out of the monies they shall receive on account of such assignment, to reimburse and repay such creditor or creditors such sum or sums of money which he or they shall so advance, agreeable to the directions of this Act.

All former acts or clauses, relative to insolvent debtors, repealed.

XXI. All and every Act and Acts heretofore passed in this Province, and all and every clause or clauses of the same, in relation to insolvent debtors, is and are hereby declared repealed, revoked, discontinued, and made void forever; any limitation in the said Act or Acts for relief of insolvent debtors, and the several additional Acts contained, to the contrary notwithstanding.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 7th day of April, 1759.

Assented to: WM. HENRY LYTTTELTON.

(This Act was perpetuated by A. A. 1783. It is copied from Grimke.)

No. 883. AN ACT FOR IMPOWERING THE CHURCH-WARDENS AND VESTRY OF THE PARISH OF ST. BARTHOLOMEW, TO DISPOSE OF THE PEWS IN THE CHAPEL LATELY ERECTED AT EDMUNDBURY, IN THE SAID PARISH.

Preamble.

WHEREAS, a chapel of ease hath been lately erected at Edmundbury, in the parish of St. Bartholomew; and whereas, there are several pews set up and erected in the same that cannot be disposed of unless a law is passed by the Legislature of this Province for that purpose; therefore, in order to authorize and empower the church-wardens and vestry of the said parish to sell, convey and dispose of the said pews to any person or persons that may be desirous of purchasing the same, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the church-wardens and vestry of the said parish for the time being, shall have power and authority, and they are hereby fully authorized and impowered, to dispose of and to convey to any persons and their heirs and assigns forever, by an instrument in writing, to be drawn and executed for that purpose, the said pews in the manner following: (that is to say,) the persons who shall have contributed most toward the building of the said chapel shall be entitled to and have the first choice of the pews in the same; provided that the moneys contributed which shall entitle any subscriber to the choice of a pew, shall not make in the whole less than the sum of twenty pounds currency; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice; and the church-wardens and vestry of the said parish are hereby directed and required to give preference in the choice of the said pews, to those persons who shall have estates in the said parish, and have contributed most toward the building of the said chapel as aforesaid.

Church-wardens and vestry may convey the pews, according to the amount of contributions.

In case of equal contributions.

II. *And be it further enacted* by the authority aforesaid, That the moneys arising by the disposal of the said pews, shall be applied by the church-wardens and vestry of the said parish for the time being, for and toward defraying the expence of building the said chapel and pews, and for keeping the same from time to time in repair, and to and for no other use and purpose whatever.

Application of money.

B. SMITH, *Speaker.*

In the Council Chamber, the 7th day of April, 1759.

Assented to: WM. HENRY LYTTTELTON.

AN ACT TO REVIVE AND CONTINUE SEVERAL ACTS AND CLAUSES OF No. 884.
ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE, AND FOR
AMENDING SOME OF THE SAID ACTS IN THE MANNER HEREIN MENTIONED.

WHEREAS, several wholesome and beneficial temporary laws of this Province are expired or near expiring, and it is found necessary to revive and continue the same, as well as to amend some of the said laws; we therefore humbly pray his most sacred Majesty that it may be enacted,


I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of this Province, and by the authority of the same, That an Act entitled "An Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia; and for repealing an Act entitled an Act for the further security and better defence of this Province," passed the thirteenth day of June, in the year of our Lord one thousand seven hundred and forty seven; and also a clause for amending in the said Act for the better regulating of the militia of this Province, contained in an Act

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entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned, and for amending one of the said Acts entitled an Act for the better regulating of the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Province," passed the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five, *Be it further enacted* by the authority aforesaid, That the militia in Charlestown, be trained, mustered and exercised eight times in the year, during the continuance of the present war, in such manner, and under such regulations and penalties, as are prescribed by the said Act; any law, custom or usage to the contrary notwithstanding; and also one other Act entitled "An Act to regulate the price and assize of bread," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and forty-nine; and also another Act entitled "An Act for regulating the making of dams or banks for reserving water, where the same may affect the properties of other persons," passed the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and forty-four; and also another Act entitled "An Act for the establishing of a market in the parish of St. Philips, Charlestown, and for preventing engrossing, forestalling, regrateing and unjust exactions in the said town and market," passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine; and also another Act entitled "An Act for making more useful fort Johnson and fort Frederick, and the several look-outs that now are or shall hereafter be kept or established near any of the inlets in this Province," passed the fifth day of April, in the year of our Lord one thousand seven hundred and forty; and also another Act entitled "An Act for rendering and making the office of a constable more easy and less expensive to the persons appointed," passed the eighth day of March, one thousand seven hundred and forty-one; and also an Act entitled "An additional Act to an Act entitled an Act for the better regulating taverns and punch houses," passed the eighth day of March, one thousand seven hundred and forty-one, except the latter part of the eleventh paragraph, for applying the monies arising by tavern licences, which instead of paying the watch and guard in Charlestown, or any other use or uses whatsoever, shall and is hereby enacted to be henceforward appropriated and applied to and for such uses and purposes as the General Assembly of this Province shall from time to time direct and appoint; *provided, and be it enacted* by the authority aforesaid, that the Governor or Commander-in-chief of this Province for the time being, with the advice and consent of his Majesty's Council, may limit the number of tavern licences to be granted in this Province, whenever it shall be necessary; any thing in the said additional Act, to the contrary notwithstanding; and also another Act entitled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing the several commodities and merchandize in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also another Act entitled "An Act for the better establishing and regulating of patrols in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also one other Act entitled "An Act for licencing hawkers and pedlars, and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven;

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and also one other Act entitled "An Act concerning masters and apprentices," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and forty; and also one other Act entitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," passed the seventh day of May, in the year of our Lord one thousand seven hundred and forty-three; and also one other Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty, except such parts of the last abovementioned Act as were repealed, altered or amended by a subsequent Act entitled "An Act to prevent the inveighling, stealing and carrying away negroes and other slaves in this Province, and to prevent the carrying away of schooners or pettianglers, and also for repealing so much of an Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province, as relates to the time within which offenders that are apprehended shall be tried, and giving the justices and free-holders a power to postpone the trial of such offenders," passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four; and by another Act entitled "An additional and explanatory Act to an Act of the General Assembly of this Province entitled an Act for the better ordering and governing negroes and other slaves in this Province, and for continuing such part of the said Act as is not altered or amended by this present Act for the term therein mentioned," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also the said additional and explanatory Act last abovementioned; and also one other Act entitled "An Act for appropriating the duties imposed by law on goods, wares and merchandize imported into and exported out of the port of Beaufort, Port Royal, for the term therein mentioned, toward building and keeping in repair a pilot boat or boats, to attend the bar of the harbour of the said port, and for the better settling and regulating the pilotage of the said harbour, and for appointing a controller and receiver of the country duties for the said port, and for obliging all ships and other vessels trading to the said port to pay powder money," passed the sixteenth day of May, in the year of our Lord one thousand seven hundred and fifty-two, except such parts of the sixth paragraph of the said Act last abovementioned as relate to the appointment of Charles Purry as controller, and Samuel Hurst as receiver of the country duties for the said port of Beaufort, both of which persons are deceased, and others have been appointed in the said places; and also such part of one other Act entitled "An Act for appointing commissioners to lay out a road or causey over Lynch's Island, situate in Santee river; and for establishing the ferries therein mentioned," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, as relates to the several ferrys which are established by the said Act; and also one other Act entitled "An Act for amending an Act entitled an additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys and cleansing of water passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one, except such parts of the same as were repealed, altered or amended in and by two other subsequent Acts, passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four, the one

A. D. 1759.  entitled "An Act for ascertaining the district for cutting, cleansing and keeping in repair the creek or cut commonly called the Hawl Over;" and the other entitled "An Act for appointing commissioners for repairing and keeping in repair the bridge over Combahee river, from the causey to the town of Radnor, and commissioners for rebuilding and keeping in repair the bridge over Wappoe creek, in the parish of St. Andrew, and declaring the said bridge and Hooper's bridge in the said parish of St. Andrew, to be parish bridges, and appointing commissioners for the said bridge"—be, and are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during and unto the full end and term of five years, from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

II. And whereas, fort Frederick is gone to decay, and a new fort has been lately constructed near Beaufort, which is known by the name of fort Lyttelton, *Be it therefore enacted*, That every boat or vessel shall conform to the same rules and directions, when passing fort Lyttelton, which are prescribed in and by the said Act to be conformed to when passing fort Frederick; and the commanding officer of fort Lyttelton for the time being, is hereby fully invested with the same powers and authorities respecting the discharge of his duty, as the commanding officer of fort Frederick aforesaid, in and by the said Act entitled "An Act for making more useful fort Johnson and fort Frederick, &c." was formerly invested with.

III. *And be it further enacted* by the authority aforesaid, That one other Act of the General Assembly of this Province entitled "An Act to encourage the making of flax and hemp in the Province of South Carolina," passed the thirteenth day of April, in the year of our Lord one thousand seven hundred and fifty-six—be, and is hereby, revived and continued for three years from and after the passing of this Act, except only such part of the said Act as gives a premium of twenty shillings proclamation money for every hundred pounds weight of well dressed merchantable hemp, in lieu of which bounty shall henceforward be paid only six shillings for every hundred pounds weight of such hemp as aforesaid.

B. SMITH, *Speaker*.

In the Council Chamber, the 7th day of April, 1759.

Assented to: WM. HENRY LYTTELTON.

No. 885. AN Additional ACT TO AN ACT ENTITLED "An Act to ascertain the manner and form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen Members of the said House," PASSED THE TWENTY-FIRST DAY OF SEPTEMBER, IN THE YEAR OF OUR LORD 1721, AND FOR REPEALING SEVERAL CLAUSES IN THE SAID ACT.

Preamble. WHEREAS, it may be of evil consequence that any person or persons who have lately become resident in this Province, and are not possessed of a sufficient freehold or personal estate, should have a right to vote for representatives of the inhabitants of this Province in General Assembly,

and it may be of equal detriment to admit any person or persons to serve as members of Assembly who are not possessed of a competent and unencumbered estate; we therefore humbly pray your most sacred Majesty that it may be enacted,

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I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and after the determination of this present General Assembly, every free white man, and no other person, professing the Protestant religion, who shall have attained the age of twenty-one years, and shall have been a resident and inhabitant in this Province for the space of one year, at any time before the date of the writ to be issued for that election at which he shall offer to give his vote, and shall have a freehold estate in a settled plantation, or not less than one hundred acres of land unsettled, for which he shall have paid tax the preceding year, or shall have a freehold estate in houses, lands or town lots or parts thereof, of the value of sixty pounds proclamation money situate in Charlestown, or any other town in this Province, for which he shall have paid tax the preceding year, or shall have paid the sum of ten shillings proclamation money for his own proper tax the preceding year, shall be deemed a person qualified to vote for, and is hereby declared capable of voting at the election of, a representative or representatives, to serve as a member or members of the Assembly, for the parish or precinct where such elector shall be actually resident, or for any other parish or precinct where he shall have the like qualification.

Qualifications of voters.

II. *And be it enacted* by the authority aforesaid, That if any doubt or question shall arise about the qualification of any person offering to ballot at such election, that before such person shall be admitted to ballot at the said election, the said clause of qualification of electors shall be read over by the church-warden or church-wardens, or person or persons appointed to manage such election, to such person offering to give his vote as aforesaid, who shall swear or affirm (as the case may be) that he is duly qualified, according to the said clause, to give his vote at such election, and shall, if required, specify and declare what such qualification is, which oath or affirmation the said church-warden or church-wardens, or person or persons appointed to manage such election, is and are hereby authorized and obliged to administer.

An elector may be sworn to his qualifications at the ballot.

III. *And be it further enacted* by the authority aforesaid, That every person who, after the determination of this present General Assembly, shall be duly elected and returned to serve as a member of the said Assembly, shall be qualified as followeth: that is to say, he shall be a free born subject of the kingdom of Great Britain, or of the dominions thereunto belonging, or a foreign person, naturalized by Act of Parliament of Great Britain, who shall have attained the age of twenty-one years, and shall profess the Protestant religion, and shall have been a resident in this Province for one year at any time before the date of the said writs, and who shall have in this Province a settled plantation or free-hold estate of at least five hundred acres of land and twenty slaves, over and above what he shall owe, or shall have in his own proper person and in his own right to the value of one thousand pounds proclamation money in houses, buildings, town lots or other lands in any part of this Province, over and above what he shall owe.

Qualifications of a representative.

IV. *And be it further enacted* by the authority aforesaid, That every person who after the determination of the present General Assembly,

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His oath.

shall be returned to serve as a member of the said Assembly, before he be admitted to sit as such, shall, and is hereby enjoined to, take a corporal oath in the form following: "I, A. B., do swear that I am a free-born subject of the Kingdom of Great Britain or of the dominions thereunto belonging, or a foreign person naturalized by Act of Parliament of Great Britain, (as the case may be,) and that I have attained the age of twenty-one years, do profess the protestant religion, and have been resident in this Province for one year at some time before the date of the writ in virtue whereof I am elected, and that I have in this Province, truly and bona fide, to and for my own use and benefit, a settled plantation or freehold estate of five hundred acres of land and twenty slaves, over and above what I owe, or to the value of one thousand pounds proclamation money, in houses, buildings, town lots or other lands in this Province, over and above what I owe, (as the case may be,) and that my said plantation and slaves or houses, buildings, town lots or other lands, (as the case may be,) are situate and being in the parish of ———, in the county of ———, in the said Province, or in the several parishes of ——— and ———, in the county of ———, or in the several counties of ——— and ———, within the said Province," (as the case may be.)

Oath may be administered by justices of the peace.

V. *And it is hereby enacted* by the authority aforesaid, That the said oath shall be respectively administered, from and after the determination of the present General Assembly, by any of his Majesty's justices assigned to keep the peace within the said Province, who shall be thereafter returned to serve as a member of the General Assembly.

Church wardens or overseers of election to attend the elections and make return within ten days to the master in chancery, and attend the two first days of the meeting of the Assembly.

VI. *And be it further enacted* by the authority aforesaid, That all and every church warden or church wardens, or person or persons having the execution and return of any writ of election of members to serve in the House of Assembly, shall attend for that purpose at the time and place of election by such writ directed, and shall on or before the day that any future Assembly shall be called to meet, and within ten days after any election made by virtue of any new writ, (unless prevented by sickness, and in such case by some person or persons by him or them appointed for that purpose,) make return of the same to the master in chancery, to be by him filed, and shall within the two first days of the meeting of the House of Assembly, after such return made as aforesaid, attend the said House with the master in chancery, (who is hereby directed to attend accordingly with the said return,) and shall then produce and leave with the clerk of the said House a list of the persons who voted at such election; and all and every church warden or church wardens, or person or persons appointed to execute and return any writ of election, who shall neglect or refuse to attend the execution of any such writ, or who shall wilfully and knowingly admit or take the ballot of any person not duly qualified according to this Act, or refuse to admit or take the ballot of any person who is duly qualified, or shall after any ballot has been given open, or suffer to be opened, any piece of paper containing the name of any person for whom any ballot is given, before the election is finally closed, and then only in the presence of the candidate or candidates, or of one of the electors at least who have ballotted at such election, or shall make any undue return, or shall act contrary to the directions and true intent and meaning of this Act, or of the Act intitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said House," passed the 21st day of September, in the year of our Lord one thousand seven hundred and twenty-one, shall for each and every such offence for-

Penalty on neglect or refusal to perform the duties or make due return.

feit and incur the penalty of fifty pounds proclamation money, a moiety of which sum, as well as of all other penalties and forfeitures imposed by the said Acts, shall be to his Majesty, to be disposed of by the General Assembly of this Province, and the other moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, together with full costs of suit, wherein no essoign, protection, privilege, wager of law, or stay of prosecution, shall be allowed. A. D. 1759.
Penalty, £50
proclamation
money to be
recovered by
qui tam action.

VII. *And be it further enacted* by the authority aforesaid, That the third, sixth, eighth, ninth, twelfth, thirteenth and twentieth paragraphs or clauses of the Act herein before mentioned, entitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province," &c.; and also an Act entitled "An Additional Act to an Act of the General Assembly of this Province entitled an Act for enlarging the qualifications of the electors as well as of the persons to be elected to serve as members of the General Assembly of this Province," passed the twelfth day of March, in the year of our Lord one thousand seven hundred and forty-seven, and every matter and thing in the said clauses or paragraphs and additional Act, and every or any of them contained—be, from and after the determination of the present General Assembly, absolutely repealed and vacated, to all intents and purposes whatsoever. Parts of a former Act repealed.
Other Acts repealed.

B. SMITH, *Speaker*.

In the Council Chamber, the 7th day of April, 1759.

Assented to: WILLIAM HENRY LYTTTELTON.

AN ACT TO SUPPLY THE DEFECTS IN EVIDENCE WHERE ORIGINAL WILLS CANNOT BE PRODUCED, AND TO MAKE THE PROCEEDINGS UPON QUESTIONS ARISING UPON SUCH WILLS MORE EASY AND EFFECTUAL; AND FOR REPEALING SO MUCH OF THE SECOND CLAUSE OF AN ACT FOR MAKING MORE EFFECTUAL LAST WILLS AND TESTAMENTS, AS CONTRADICTS OR REPEALS THE NINTH CLAUSE OF THE ACT AGAINST BASTARDY. No. 886.

WHEREAS, by an Act passed in the year one thousand seven hundred and twelve, an Act made in the twenty-ninth year of the reign of King Charles the Second, entitled "An Act for prevention of Frauds and Perjuries," was made of force in this Province; and whereas, by an Act of Parliament of Great Britain, made in the twenty-fifth year of his present Majesty's reign, entitled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates, in that part of Great Britain called England, and in his Majesty's Colonies and Plantations in America," the said Act and every clause, matter and thing therein contained, is made to extend to such of the said Colonies where the said Act of the twenty-ninth of King Charles the Second has been received for law, and is to have the same force and effect in the construction of, or for the avoiding of doubts upon the said Act of the twenty-ninth of King Charles the Second, in the said Colonies as in England; but whereas, it may frequently happen that persons having real estates in this Province may depart this life in Great Britain or elsewhere, out of this Province, leaving wills made agreeable to the Preamble.
Reference to Act of 25 Geo. 2, for avoiding and putting an end to certain doubts, &c.

A. D. 1759.

said Acts, which said wills are exhibited and proved in the prerogative or other ecclesiastical court, or some other court or office, where the same are afterwards deposited, and remain in the said courts or offices, from whence copies only can be procured; and whereas, by the practice of the courts of law, original wills are required to be produced in evidence in all cases where a title to land is derived under any such wills, but it is impossible to obtain such original wills from any of the said courts or offices where the same may be deposited, in order to be produced at any trial at law here; and whereas, no provision is made by either of the said Acts, or by any Act of Assembly of this Province, to supply the defects in evidence where the said original wills cannot be produced: For remedy whereof, we pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That where any person having a real estate in this Province shall, by his last will, make any devise thereof, or of any part thereof, and the said will shall be exhibited, proved and deposited, in any prerogative or ecclesiastical court, or other court or office out of this Province that has the probate and custody of wills, it shall and may be lawful to and for any person or persons, having occasion to shew the contents of such will to manifest his title to any real estate claimed under such will, upon any trial in any court of law or equity, to produce the probate of such will, under the seal of the said court or office where the same was granted, or a copy of such will, attested to be a true copy by the known officer who has the care and custody of such will, (of which attestation, and of his being the known officer who has the care and custody of such will, oath shall be made by two credible witnesses, before the mayor or chief officer of any city, borough or town corporate, or before the Governor or Commander-in-chief of any of his Majesty's Plantations, or before any sworn notary public, and attested by them respectively under their respective public seals); which said probate or copy, so proved and attested as aforesaid, shall be deemed and held to be as good and sufficient evidence in any court of law or equity in this Province as if the said original will had been produced; and the judges of any such court respectively, are hereby authorized and required to admit the same accordingly: Provided always, that no probate or copy of any original will, deposited in the Secretary's office, or remaining in the custody or power of the devisee, or of any other person in this Province, shall be admitted as evidence in any court of law or equity, where a title to any real estate derived under such will shall come in question, or otherwise, or in any other manner made use of than the same might have been by the practice of the said courts, before the passing of this Act.

II. *Provided nevertheless*, That in cases where the heir at law of the testator shall question the validity of any will deposited in any of the said courts, he shall not be concluded by any such probate or copy, but may, upon filing his bill, and when the cause is at issue, be at liberty to examine the witnesses to the execution of such will, or to any other matter, to prove either the insanity of the testator, or any fraud or imposition upon him; and the depositions taken in such cause may be made use of upon any trial at law, or upon any issue directed out of the court of chancery, whether the testator *devisavit vel non*. Provided also, that the person or persons claiming under such will may be at liberty to bring a bill to perpetuate the testimony of the witnesses to the said will, and may apply to

The authenticated probate of a will duly filed in any competent ecclesiastical court, is receivable in evidence in the courts of this Province.

Mode of authenticating the same.

But not to exclude testimony as to the validity of the will itself.

Bill to perpetuate testimony.

the court to have the copy of the said will attested and approved as aforesaid, or returned, under a commission for that purpose, entered as of record, amongst the proceedings of the said court. A. D. 1759.

III. And whereas, by an Act passed the ninth day of April, one thousand seven hundred and thirty-four, entitled "An Act for making more effectual last wills and testaments," all persons having any estate in fee simple, or any such estate in coparcenary, jointenancy, or tenancy in common, in any lands, tenements, rents, services, or other hereditaments in possession or reversion, may give, dispose, will or devise to any person or persons, (except bodies politic or corporate) by last will and testament, in writing, executed according to the twenty-ninth of Charles the Second, for preventing frauds and perjuries, at their own free will and pleasure; and whereas, it will tend to encourage a lewd and vicious course of life to permit such devises to be made in favour of illegitimate children, to the prejudice and disinherison of lawful issue; *Be it therefore further enacted* by the authority aforesaid, That so much of the second clause in the said Act as contradicts or repeals the ninth clause of the Act against Bastardy, passed the seventeenth day of September, one thousand seven hundred and three, be from henceforth repealed and made void.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 7th day of April, 1759.

Assented to: WILLIAM HENRY LYTTTELTON.

AN ACT to allow a further time to the Assessors and Collectors for the Parishes of St. Philip and St. Michael, for carrying into execution an Act of the General Assembly of this Province entitled "An Act for raising and granting to his Majesty the sum of £166,438 14 7½, and applying £8,069 3 6, being the surplus of taxes, and balance of a fund in the public treasury, making together £174,507 18 1½, to defray the charges of this Government, from the 25th day of March, 1757, to the 24th day of March, 1758, and for other services therein mentioned. No. 887.

(Passed April 7, 1759. *See last volume.*)

AN ACT for raising and granting to his Majesty the sum of ninety-seven thousand three hundred and sixty pounds fourteen shillings and four pence half penny, and applying eighteen thousand one hundred and nine pounds twelve shillings and five pence, being the surplus of taxes and balance of several funds in the public treasury, making together one hundred and fifteen thousand four hundred and seventy pounds six shillings and nine pence half-penny, to defray the charges of this Government from the twenty-fifth day of March, one thousand seven hundred and fifty-eight, to the thirty-first day of December, one thousand seven hundred and fifty-eight, inclusive, and for other services therein mentioned. No. 888.

(Passed April 7, 1759. *Omitted.*)

A. D. 1760.

- No. 889. AN ORDINANCE to authorize the impressing, regulating the hire, and ascertaining the value of waggons, carts, horses, and drivers, to be employed in his Majesty's service.

(Passed April 19, 1760. The original not now to be found.)

- No. 890. AN ORDINANCE TO APPOINT JAMES REID, Esq. POWDER RECEIVER OF THIS PROVINCE.

WHEREAS, Robert Brewton, Esq., late Powder Receiver of this Province, is dead, and it is necessary that some proper person should be appointed to the said office, in his room,

I. *Be it therefore ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of this Province, and by the authority of the same, That James Reid, Esq., be, and he is hereby appointed and declared, Powder Receiver of the said Province, to all intents and purposes whatsoever.

B. SMITH, *Speaker*.

In the Council Chamber, the 16th day of May, 1760.

Assented to : WILLIAM BULL.

- No. 891. AN ACT TO ENFORCE A DUE SUBORDINATION AND OBSERVANCE OF MILITARY DISCIPLINE AMONG THE FORCES EMPLOYED IN THE SERVICE OF THIS PROVINCE.

Preamble. WHEREAS, this Province has raised, and provided for the raising and paying, a number of forces to act against the Cherokee Indians, who have committed various murders upon his Majesty's subjects of this and the neighbouring Provinces; and whereas, the not preserving a due subordination and regular discipline among the said forces, would disappoint and be destructive of the service for which they are intended; and forasmuch as all officers and soldiers mustered and in pay in America, are, by an Act of Parliament passed in Great Britain, at all times and in all places when joined or acting in conjunction with his Majesty's British forces, already made liable to martial law and discipline, in like manner as the British forces are, but no provision is as yet made or any rule established by which the forces raised or to be raised in this Province shall be regulated and governed when they act independently or detached, and not in conjunction with his Majesty's British forces: Therefore, to prevent the inconveniencies which may arise from not observing an exact discipline, and to prevent any mutiny and sedition in, or desertion from, the said service, and that speedy punishment may be inflicted, which the usual forms of law will not allow,

I. *Be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor, by and with the advice and consent of his Majesty's Council,

and the Commons House of Assembly of this Province, and by the authority of the same, That from the time of passing this Act, and during the continuance thereof, if any person, being commissioned, enlisted, mustered and in pay, or who shall hereafter voluntarily enter into the service and pay of this Province, as an officer or soldier, shall begin, excite, cause or join in any mutiny or sedition, in the regiment or company to which he belongs, by striking his superior officer, or by drawing or lifting up any weapon, or offering any violence against him, being in the execution of his office, or shall disobey any lawful command of his superior officer, or shall be found sleeping upon his post, or shall leave it before relieved, or shall get drunk, or shall use any scurrilous or abusive language to his superior officer, or shall, without leave of his commanding officer, absent himself from his company or from any detachment upon which he shall be commanded, or shall be convicted of having advised or persuaded any other officer or soldier to desert the said service, shall suffer such punishment, not exceeding thirty-nine stripes, with a cat-of-nine-tails, upon the bare back, and mulcting him of his pay, as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

A. D. 1760.

Punishment for
soldierly mis-
conduct.

II. *And be it also enacted*, That the offences hereinbefore specified and enumerated shall be tried and adjudged by a court martial, to be appointed in the manner hereinafter directed, according to the form and method prescribed in and by an Act of Parliament passed in the thirty-second year of his present Majesty, for the trial of offences committed against the said Act.

To be adjudged
by a court
martial.

III. *And be it further enacted*, That all muster rolls of the forces in the pay of this Province shall be returned upon oath, and every person making any false or untrue muster of men, or shall allow or sign any false muster roll, shall, upon proof thereof, upon oath made by two witnesses before the treasurer of this Province, calling to his assistance two other justices of the peace, (who are hereby authorized and required to administer such oath,) for such offence be mulcted such pay as he would have been entitled to, and further rendered incapable of holding any civil or military employment derived from any authority in this Province, and also liable to the pains and penalties inflicted on wilful and corrupt perjury.

All muster rolls
to be returned
upon oath.

IV. *And be it further enacted* by the authority aforesaid, That every soldier who shall enlist himself in the said service shall, previous to such enlistment, have this Act read to him, and also a certificate from under the hand of the officers with whom he enlists, setting forth the day of such enlistment and the time when his service is to expire, without which no person shall be deemed fairly enlisted, nor liable to be tried by any court martial.

This Act to be
read to every
soldier.

V. *And be it further enacted*, That if any inferior officer or private soldier shall think himself wronged by his captain or other officer, it shall and may be lawful, upon complaint to the commanding officer of the said forces, to cause a court martial to sit for hearing and determining upon such complaint, to do justice to the party aggrieved; but if it shall appear, upon a fair hearing, to be vexatious and groundless, the party complaining shall be punished at the discretion of the court martial, in manner as hereinbefore directed.

VI. And whereas, there is not at present any power to hold general courts martial within this Province, for the purposes and upon the occasions aforesaid, *Be it further enacted*, That the Governor, Lieutenant Governor, or Commander-in-chief of this Province for the time being, may, and he is hereby authorized and empowered to, grant commissions under the great seal of this Province, to any commissioned officers of the said Provincial forces, for the holding general courts martial, which shall

A. D. 1760. consist of not less than five, who shall proceed in the same manner as in the aforesaid Act of Parliament is directed and prescribed.

VII. *And be it enacted* by the authority aforesaid, That this Act shall be and continue in force until the first day of August next, and no longer.

B. SMITH, *Speaker*.

In the Council Chamber, the 16th day of May, 1760.

Assented to: WILLIAM BULL.

No. 892. *AN ACT FOR PREVENTING (AS MUCH AS MAY BE) THE CONTINUANCE OF THE SMALL POX IN CHARLESTOWN, AND THE FURTHER SPREADING OF THAT DISTEMPER IN THIS PROVINCE.*

Preamble.

WHEREAS, the inhabitants of Charlestown have suffered greatly not only in their trade and commerce, but from a scarcity of provisions, by the raging of the disease or distemper commonly called the small pox in the said town; and whereas, the most probable means of preventing the said distemper being continued in the said town, as likewise the further spreading of the same in other parts of this Province, will be to inhibit all persons whosoever being inoculated or ingrafted therewith in or near the said town, or going or being carried thither after being so inoculated or ingrafted, and also all persons whosoever infected with that disease in any other manner being carried to or near the said town, as hath lately been frequently practiced; we therefore humbly pray your most sacred Majesty that it may be enacted,

Inoculation prohibited within certain limits.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, now met in General Assembly, and by the authority of the same, That from and after the fifteenth day of June, in this present year of our Lord one thousand seven hundred and sixty, it shall not be lawful to or for any person or persons whosoever, within the limits of Charlestown, or within two miles of the said limits, to inoculate or ingraft, or to cause or procure to be inoculated or ingrafted, the disease or distemper commonly called the small pox, in or upon him, her or themselves, or in or upon any other person or persons whosoever, nor wilfully and knowingly to inflict or cause to be inflicted the said disease or distemper, nor to use any art, device or contrivance, or cause or procure to be used any art, device or contrivance whatsoever, or wilfully and knowingly to do any act, matter or thing by which or by reason whereof the said disease or distemper of the small pox may be inflicted upon, given to or received by him, her or themselves, or any other person or persons whosoever within the limits aforesaid, or by which or by reason whereof the infection of the said disease may be spread or communicated to any person or persons whosoever within the limits aforesaid, under pain of forfeiting the sum of one hundred pounds proclamation money for every such offence, to be recovered and disposed of in the manner hereinafter directed and appointed.

Fine of £100.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall, after the aforesaid fifteenth day of June, receive the aforesaid disease or distemper by inoculation or ingraftment,

or on whom the said disease or distemper shall be voluntarily inflicted by any of the means aforesaid, shall be in any house, outhouse or place within the limits aforesaid, it shall and may be lawful for the commissioners hereinafter named, or any one or more of them, or for any justice of the peace, having due information thereof upon oath, (which oath the said commissioners and each and every of them are hereby impowered to administer) to command such person and persons as they or he shall think fit, to their or his aid and assistance, and to place a guard at the house wherein such infected person or persons shall be, to prevent any communication with the infected person other than such as the said commissioners, or any one or more of them, or the said justice of the peace as aforesaid, shall think reasonable, at the expence of the offender or offenders, to be recovered by warrant under the hand and seal of any justice of the peace, in the same way and manner as debts are recoverable by the Act for tryal of small and mean causes.

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Commissioners
may remove an
infected
person.

III. *And be it enacted*, That in case any person, after the said fifteenth day of June, who shall be inoculated or visibly or knowingly or known to be infected with the said disease or distemper, shall come, be brought or sent within the limits aforesaid, every such infected person, and all and every person and persons who shall direct and procure or assist in bringing, sending or conveying such infected person within the limits aforesaid, shall forfeit severally and respectively, for every such offence, the sum of one hundred pounds proclamation money, to be recovered and applied as hereinafter is directed.

Penalty for
conveying an
infected person
within the
limits.

IV. And that it may be more certainly known when the said town and parts adjacent are clear of the said distemper, and the inhabitants of the other parts of this Province may resort thereto, without danger of being infected, *Be it enacted*, That the said commissioners shall be, and they are hereby obliged, enjoined and required to meet on the first Monday in August next, and on the first Monday in every month, from nine to twelve of the clock, in the forenoon, at the State House, in Charlestown, as long as the said distemper shall continue within the limits aforesaid, to receive from the inhabitants within the said limits a true list of the number of persons who shall be infected with the said distemper; and all and every master or mistress of families in the said limits, or other person having charge or care of such families, shall, and they are hereby obliged and required, on the first Monday in August next and on every first Monday aforesaid, to send in and return upon oath to the said commissioners or any one of them, (which oath the said commissioners or any of them are hereby impowered to administer,) a true and faithful list of all and every person and persons who are infected with the said disease in their respective families at the time when such lists shall be returned, according to the best of his or her knowledge, under pain of forfeiting the sum of ten pounds proclamation money; and the said commissioners shall from time to time as such lists shall be returned to them, publish in one of the Gazettes the number of the sick with the said distemper within the limits aforesaid, and in what parts of Charlestown such sick persons are.

Commissioners
to meet and
receive lists of
infected
persons.

V. And to prevent as much as possible the spreading of the small pox in the country, *Be it enacted*, That where any person or persons shall be infected with the said disease or distemper in any house or plantation in any part of this Province without the limits aforesaid, every master, owner or other person having the care or charge of such house or plantation, shall, immediately upon discovery of such infection, fix or cause to be publickly affixed, an advertisement signifying that the small pox is at such house or plantation, in the high-way or public road nearest to such

Advertisements
to be put up of
infected houses
or places.

A. D. 1760.

house or plantation, and another like advertisement at the church, chapel or other place of public worship or resort in the parish where such house or plantation lies; and in case such master, owner or other person having the care or charge of such house or plantation as aforesaid, shall neglect or refuse to fix, or cause to be affixed, such advertisements as are hereby directed, each and every person so neglecting or refusing shall forfeit for every such offence twenty pounds proclamation money.

Measures to be taken to prevent infected persons being brought in.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any two or more of the said commissioners, or for any two or more of his Majesty's justices of the peace, residing in Charlestown, taking to their assistance the church wardens of the parishes of St. Philip and St. Michael and the constables residing in the said town, and the said commissioners or justices, church wardens and constables, shall have power, and they are hereby fully authorized, empowered and required, to take such prudent, necessary and reasonable methods as they in their discretion shall think fit for hindering infected persons being brought within the limits aforesaid, and for preventing the further spreading of the infection, the charge whereof shall be borne and defrayed by the public; provided, that such charge doth not exceed fifty pounds current money; and provided also, that nothing herein contained shall empower the said commissioners, justices, church wardens or constables, to assess or levy any sum or sums of money whatever on the inhabitants of the said town.

Case of slaves infected.

VII. And whereas, the further spreading of the infection of the small pox may be chiefly occasioned by persons causing their slaves to be inoculated; and whereas, it would be highly injurious to punish the slave for the fault of the master, *Be it therefore enacted*, That in case any slave shall receive the small pox by inoculation, or if the said distemper shall be voluntarily inflicted upon any slave by any of the ways or means hereinbefore mentioned, after the said fifteenth day of June, within the limits aforesaid, or if any slave being infected with the said disease or distemper shall be brought, carried or conveyed to any place within the limits aforesaid, from any other part of this Province, contrary to the true intent and meaning of this Act, in every such case the owner or other person having the care or charge of every such slave, shall be adjudged, deemed and taken to have caused such offence to be committed, and shall be subject and liable to the same penalties and forfeitures as are imposed by this Act on such persons as shall cause the aforesaid disease or distemper to be inflicted on any person by any of the ways or means hereinbefore mentioned, and the proof of such offence shall not lie upon the prosecutor or informer; provided nevertheless, that such owner or other person may exculpate him or herself by taking a voluntary oath or affirmation that such offence was committed without his or her knowledge, consent, privacy or procurement.

VIII. *And be it further enacted* by the authority aforesaid, That in case any of the offenders against this Act shall not be able to pay the penalties on them respectively inflicted, all and every such offender and offenders shall suffer three months imprisonment in the common goal in Charlestown, without bail or mainprize.

Fines and forfeitures to be sued for within three months.

IX. *And be it further enacted* by the authority aforesaid, That all and singular the penalties and forfeitures imposed by this Act, shall be sued for within the term of three months after the offence shall be committed, and at no time after, and shall be disposed of in manner following, that is to say, one half to his Majesty for the use of the poor of the parish where the offence shall be committed, and the other half to him or them

who will inform and sue for the same by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoyn, protection, privilege, injunction or wager of law shall be allowed or admitted, nor any more than one imparlance, any law, usage or custom to the contrary notwithstanding; and all and every person and persons who shall be sued or prosecuted for doing any thing in execution of this Act shall and may plead the general issue, and give this Act and the special matter in evidence: and if any plaintiff or prosecutor shall become nonsuit, suffer a discontinuance, or a verdict or judgement shall pass against him, the defendant shall recover his treble costs of suit.

A.D. 1760.

X. *And be it also enacted*, That the Honorable Othniel Beale and George Austin, Esquires, and Benjamin Smith, John Guerard, Christopher Gadsden, Henry Laurens and Daniel Crawford, Esquires, shall be, and they are hereby appointed, commissioners for putting this Act in execution. Commissioners nominated.

XI. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force until the fifteenth day of June, one thousand seven hundred and sixty-one.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 30th day of May, 1760.

Assented to: WM. BULL.

AN ACT TO PREVENT THE EXPORTATION OF GRAIN AND OTHER PROVISIONS, AND ARMS, AMMUNITION, STROUDS, DUFFELS AND PLAINS, FROM THE PROVINCE OF SOUTH CAROLINA. No. 893.

WHEREAS, the many murders and ravages committed by the Cherokee Indians in the back settlements, have forced all the settlers in those parts to forsake their habitations and come to the interior parts of this Province; and whereas, the Upper Creek Indians have lately murdered many of the British traders in that nation, whereby it is to be apprehended that the inhabitants of the Colony of Georgia, as well as of the Southern parts of this Province, will likewise desert their plantations and retreat to the interior parts of this Province, which must occasion a scarcity of provisions; and whereas, a clandestine trade hath been carried on with the subjects of the French King, who have thereby been supplied with arms, ammunition, strouds, duffels and plains, with which they have been enabled to give presents to and stir up the Indians against his Majesty's subjects; we therefore humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, now met in General Assembly, and by the authority of the same, That no person or persons whatsoever, at any time or times during the term of eight months next after the passing of this Act, shall directly or indirectly lade on board, or cause or procure to be laden on board any ship, other vessel or boat, in order to be carried out of this Province, any corn, peas, small rice, flour, bread, biscuit, beef, pork or bacon, live stock, or any other provisions whatever, (merchantable rice excepted) or any kind of arms, ammunition, strouds, duffels or plains, under the penalties and forfeitures hereinafter mentioned, (that is to say) that every ship or Exportation of provisions prohibited for 8 months,

A. D. 1760.

Except the
necessary pro-
visions of the
vessel.

And provisions
brought in and
not landed.

And persons
having a
licence or per-
mit for export-
ing.

Masters of
vessels to enter
into bond.

other vessel or boat which shall be laden with, or have on board any of the aforesaid provisions or merchandize, contrary to the true intent and meaning of this Act, shall be forfeited, with all her guns, tackle, apparel and furniture, and all the said provisions and merchandize on board the same, or the value thereof, shall be forfeited, the one moiety thereof to his Majesty, his heirs and successors, and the other moiety to him or them who will inform and sue for the same in any court of record in this Province, by bill, plaint, information or other action; and that the master and mariners of any such ship, vessel or boat, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted as aforesaid, shall be imprisoned for the space of three months, without bail or mainprize; provided that nothing in this Act shall extend or be construed to restrain or prevent the exportation of any such commodities or provisions as shall be necessary to be carried in any ship or other vessel in their voyage from this Province, for the sustenance and support of the master, mariners and passengers on board the same; and provided also, that nothing in this Act shall extend or be construed to extend to any provisions brought into any port in this Province by any vessel and not landed, but such vessel shall and may depart again with such provisions, any thing herein contained to the contrary notwithstanding; provided likewise, that nothing in this Act contained shall extend or be construed to extend to prohibit any person or persons who shall have a permission or licence in writing so to do from the Lieutenant Governor or Commander-in-chief for the time being, (who is hereby authorized and empowered, if he shall find the same expedient, to give such permission or licence) from transporting, carrying and conveying any of the said commodities by land or by water, to any fort or forts, or for the use, sustenance or support of any body or bodies of men serving for and engaged in the immediate defence of this Province, although they shall not be actually within or shall not be at such time acting within the limits thereof.

II. *And be it further enacted* by the authority aforesaid, That the commander or master of every ship or other vessel that shall, after the passing of this Act, clear out at any port in this Province, shall enter into bond with the controller of the country duties, with one or more sufficient securities, in the sum of one thousand pounds proclamation money penalty, that he will not after his said clearing, at any time during his intended voyage, take on board his said ship or vessel, at any port, creek or harbor in this Province, or upon the coast thereof, any of the commodities above enumerated, contrary to the intent and meaning of this Act, which bond the said controller shall take without fee or reward; provided that all suits or prosecutions for the penalty of the said bond, shall be commenced within twelve months after the respective date thereof, and not afterward.

III. *And it is hereby further enacted*, That the treasurer, controller of the country duties, or waiters, in any port in this Province, shall and may at any time during the continuance of this Act, enter into and search any ship, or other vessel or boat, and in case it shall be found that the owner, master or other person having charge of such ship, other vessel or boat, hath offended against this Act, then to seize such ship or other vessel or boat, and also all such of the commodities hereinbefore enumerated as shall be found on board the same, contrary to the intent and meaning of this Act, and to secure such ship, or other vessel or boat, and commodities, until the same shall be condemned or delivered by due course of law.

IV. *And be it further enacted* by the authority aforesaid, That any justice of the peace may and shall, upon due information being made to him

that any person or persons whatsoever are offending against this Act, grant a search warrant directed to any constable, to enter into and search any ship or other vessel or boat, and in case it shall be found upon such search and examination, that the owner, master or other person having charge of such ship, other vessel or boat, hath offended against this Act, then to seize such ship or other vessel or boat, and also all such of the commodities hereinbefore enumerated as shall be found on board the same, contrary to the true intent and meaning of this Act, and to secure the same until condemned by due course of law. A. D. 1760.

Vessels informed against may be searched.

V. *And be it likewise enacted*, That all and every owner and owners of decked perriaugas and coasting boats, (or some person in their behalf) shall be obliged, and they and every of them are hereby enjoined and required, within one month after the passing of this Act, to give bond to the public treasurer of this Province, or the treasurer of the port of Beaufort, Port Royal, or the treasurer of the port of Georgetown, Winyaw, in the penalty of two hundred pounds proclamation money, with condition that their respective perriaugas or boats shall not be made use of or employed in any manner whatever in the exporting or assisting in the exporting of any of the above enumerated commodities, contrary to the intent and meaning of this Act, which bond the treasurer shall take without fee or reward; provided that all suits or prosecutions for such penalty shall be commenced within twelve months after the date of such bond, and not afterward; and in case any owner or owners of any such perriauga or boat shall neglect or refuse to give bond as aforesaid, by the time above appointed, he or she and they shall forfeit the sum of two hundred pounds proclamation money, to be recovered and applied in the same manner as the other penalties and forfeitures imposed by this Act are directed to be recovered and applied. Decked perriaugas and coasting boats.

Suits for penalties to be brought within 12 months.

VI. *And be it also enacted* by the authority aforesaid, That if any action or suit shall be commenced against the treasurer, controller of the country duties, waiters, or any other person or persons, for any thing done or to be done in pursuance of this Act, in every such case the action or suit shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue not guilty, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear so to be done, or that such action or suit shall be brought after the time before limited for bringing the same, that then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suited or discontinue his, her or their action or suit, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law. Suits against officers acting under this Act, to be commenced within 3 months.

General issue may be pleaded and this Act given in evidence.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 10th day of June, 1760.

Assented to: WILLIAM BULL.

A. D. 1760.

- No. 894. AN ACT for establishing and regulating the Artillery Company that was formed out of the Militia in Charlestown.

(Passed July 31, 1760. *See last volume.*)

- No. 895. AN ACT for finishing, enlarging, repairing, cleansing and keeping clean and in repair the common drain or sewer in Elliot-street, in Charlestown.

(Passed July 31, 1760. *See last volume.*)

- No. 896. AN ACT IMPOWERING THE PERSONS THEREIN NAMED TO RECEIVE IN GREAT BRITAIN, ON BEHALF OF THE PROVINCE OF SOUTH CAROLINA, THE SUM OF MONEY THEREIN MENTIONED.

FORASMUCH as his Majesty hath been graciously pleased to order that the sum of nine thousand nine hundred and forty-one pounds nineteen shillings and ten pence, should be allotted to this Province, out of the sum of fifty thousand pounds sterling, granted by the Parliament of Great Britain, to be distributed among the Colonies of Virginia and North and South Carolina, in recompence for such services as with the approbation of his Majesty's Commander-in-chief in America, they respectively had performed or should perform, either by putting the said Provinces in a state of defence, or by acting with vigour against the enemy: And forasmuch as it is necessary that some person or persons in Great Britain should be appointed and authorized to receive the said sum of nine thousand nine hundred and forty-one pounds nineteen shillings and ten pence, on the behalf of and for the use and benefit of this Province; and whereas, the honorable Benjamin Smith, John McQueen and Henry Laurens, Esquires, have jointly and severally undertaken and engaged to pay into the hands of the public treasurer in the current money of this Province, at the rate of seven hundred pounds currency for one hundred pounds sterling, free from any charges of commission, within two months after they shall receive notice of the same having been received in England, such sum of money as shall be received out of the said sum of nine thousand nine hundred and forty-one pounds nineteen shillings and ten pence, after a deduction of the usual and accustomed fees and perquisites in passing through the several offices there, provided the same shall be paid into the hands of John Beswicke, John Nutt, of London, and James Cowles, of Bristol, merchants;

I. *Be it therefore enacted*, by the honorable William Bull, Esquire, Lieutenant Governor, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That John Beswicke and John Nutt, of London, and James Cowles, of Bristol, merchants, shall have power and authority, and they or any two of them, or the survivors or survivor of them, are hereby fully authorized and impowered, for and on the behalf of this Province, to do and execute all and every such lawful and reasonable Act and Acts as may be requisite, as well for the receiving the said sum

of nine thousand nine hundred and forty-one pounds nineteen shillings and ten pence, allotted by his Majesty to this Province as aforesaid, out of the said sum of fifty thousand pounds, as for giving proper acquittances for the same. A.D. 1760.

II. *And be it also enacted*, That the said Benjamin Smith, John McQueen and Henry Laurens, shall pay into the hands of the public treasurer, in the current money of this Province, at the rate of seven hundred pounds currency for one hundred pounds sterling, free from any charges of commission, within two months after they shall receive notice of the same having been received in England, all such sum and sums of money as shall be received by the said John Beswicke, John Nutt and James Cowles, or any two of them, or the survivors or survivor of them, out of the said sum of nine thousand nine hundred and forty-one pounds nineteen shillings and ten pence, after a deduction of the usual and accustomed fees and perquisites in passing through the several offices there.

III. *And it is hereby further enacted*, That such sum of money as shall be paid into the hands of the public treasurer by the said Benjamin Smith, John McQueen and Henry Laurens, shall be disposed of and applied in such manner as shall be directed and appointed by the Governor or Commander-in-chief for the time being, his Majesty's Council and the Commons House of Assembly of this Province.

B. SMITH, *Speaker*.

In the Council Chamber, the 31st day of July, 1760.

Assented to: WILLIAM BULL.

AN ACT FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF No. 897.

TWO HUNDRED AND FORTY-SIX THOUSAND SIX HUNDRED AND NINETY-THREE POUNDS TWO SHILLINGS AND FIVE PENCE, WHICH WITH SEVENTY THOUSAND POUNDS, (GRANTED FOR THIS SERVICE BY THE TAX ACT) MAKES THREE HUNDRED AND SIXTEEN THOUSAND SIX HUNDRED AND NINETY-THREE POUNDS TWO SHILLINGS AND FIVE PENCE, TO DEFRAY THE EXPENCE OF THE LATE EXPEDITION AGAINST THE CHEROKEE INDIANS, AND OTHER CHARGES SINCE INCURRED BY PROSECUTING THE WAR AGAINST THE SAID INDIANS, AND PROTECTING THE BACK SETTLEMENTS OF THIS PROVINCE, AND APPOINTING COMMISSIONERS FOR STAMPING AND SIGNING PUBLIC ORDERS FOR THE MORE EASY AND EXPEDITIOUS ISSUING OF THE SAID SUM, AND PROVIDING A FUND FOR SINKING THE SAID PUBLIC ORDERS IN FIVE YEARS, BY A GENERAL TAX AND ASSESSMENT ON THE ESTATES, REAL AND PERSONAL, OF THE INHABITANTS AND OTHERS INTERESTED IN THIS PROVINCE.

WHEREAS, the Cherokee Indians have for some time past committed many murders upon his Majesty's subjects, of this and the neighboring Provinces, to repress which and to prevent a repetition thereof, this Province entered into vigorous measures by setting forward an expedition against that nation, in order to obtain a reasonable and adequate satisfaction from them, which had not the desired effect, but on the contrary the said Indians, immediately after the said expedition, broke out

Preamble.

A. D. 1760.

into open war against this Province, whereby it became absolutely necessary to raise forces to prosecute the war against them, and protect the inhabitants of the back parts of the Province, which (with the said expedition) has created so heavy an expence as to render it impossible for the inhabitants in their present circumstances to raise a sum within the current year sufficient to pay off and discharge the same; and whereas, it is highly requisite and just, that as well such persons who engaged in the said expedition as such who have entered into the public service for carrying on the war against the said Indians, and protecting the inhabitants in the back settlements, and such who have furnished necessities toward carrying on the said services upon the public faith, should as soon as may be receive the several sums of money that are due to them respectively upon account thereof, than which there cannot be a more effectual and certain way to procure a ready and cheerful assistance upon any future occasion (if the divine providence should permit so great an evil again to befall us;) and we, his Majesty's dutiful subjects, the Commons House of Assembly, being desirous that the said several good purposes may be fully answered and provided for, do hereby give and grant unto his most sacred Majesty the sum of three hundred and sixteen thousand six hundred and ninety-three pounds two shillings and five pence, current money of this Province; and for the more speedily and easily raising the said sum of three hundred and sixteen thousand six hundred and ninety-three pounds two shillings and five pence, which, by the schedule hereunto annexed, appears to be wanting, we humbly pray his most sacred Majesty that it may be enacted,

Commissioners appointed for stamping and issuing public orders for money.

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant Governor, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That Benjamin Smith, Isaac Mazyck, Peter Manigault, William Roper, William Moultrie, Rawlins Lowndes and Samuel Carne, Esquires, or any four of them, shall be, and they are hereby appointed, commissioners for the stamping, signing and making public orders; and it shall and may be lawful for the said commissioners, and they or any four of them are hereby required, with all convenient speed, to procure two sets of orders to be stamped, equal to the sum of three hundred and sixteen thousand six hundred and ninety-three pounds two shillings and five pence, current money of this Province, and no more, (that is to say) six thousand three hundred and thirty-four orders of the denomination of twenty-five pounds, and three thousand one hundred and sixty-seven orders of the denomination of fifty pounds.

II. *And that the said orders may be better known to be warranted by this Act, Be it further enacted*, That the said orders, with such signatures and devices as the said commissioness shall think fit, shall be in the words following:

SOUTH CAROLINA,

No.

Form of the orders.

This order entitles the bearer to a credit equal to ——— pounds in the current money of this Province, and shall be received by the public treasurer in payment of all taxes and duties whatever, until the last day of November, one thousand seven hundred and sixty-five, and no longer: Dated the ——— day of ———, in the year of our Lord one thousand seven hundred and sixty, and in the ——— year of his Majesty's reign.

To be delivered to the public treasurer.

III. *And be it also enacted* by the authority aforesaid, That the said orders, when they shall be so stamped and prepared, shall be regularly numbered by the said commissioners, with their names subscribed unto the same, and the said commissioners shall deliver them into the hands of the public treasurer for the time being.

IV. *And be it likewise enacted* by the authority aforesaid, That the said orders shall be issued and paid by the said public treasurer for defraying the expence of the late expedition against the Cherokee Indians, and for paying the forces employed in the service of this Province, and such other charges as have been and shall be incurred by pursuing the war against the said Indians, agreeable to the schedule hereunto annexed, and to or for no other use or purpose whatsoever; and the public treasurer shall render an account of the issues of the said orders when thereunto required either by the council or the Assembly.

A. D. 1760.

V. And that such persons as may have legal demands upon the public for provisions, or for the hire of wagons impressed for the service of the said expedition, and have not sent in their claims, may receive payment as soon as may be, *Be it enacted* by the authority aforesaid, That the public treasurer shall immediately after the passing of this Act publish an advertisement in one or both of the gazettes requiring all persons who have legal demands upon the public for provisions or for the hire of wagons impressed for the service of the said expedition, to bring or send their claims to him that the same may be settled and paid; and the said treasurer shall as often as any such claims are brought to him, forthwith deliver the same to the commissioners hereinbefore named; and the said commissioners, or any four of them, shall have power and authority, and they are hereby fully authorized and empowered, until the meeting of the next General Assembly, but not after, to examine and adjust all such claims, and to give orders upon the public treasurer for payment of all such sum and sums of money as shall appear to them to be legally due to any person or persons whosever for provisions or for the hire of wagons impressed as aforesaid, and the said treasurer is hereby required to pay the same accordingly out of the money provided for that purpose by the schedule to this Act annexed.

VI. And forasmuch as many of the horses and other articles impressed for the public service (for payment whereof provision is made by this Act) may have been returned to the persons from whom the same were impressed, or such persons may have since or may hereafter come to the possession thereof, or received or may hereafter receive information where the same are to be had, which, being the property of the public, ought to be either accounted for or restored; and forasmuch as the accounts and other papers delivered in to the treasurer for the service of the said expedition were not properly attested; *Be it therefore further enacted* by the authority aforesaid, That the public treasurer shall not pay any part of the said orders to any person whatsoever, for any horses, carts, wagons, provisions, or other article or thing whatsoever that were or was impressed for the service of the said expedition, until the person to whom the same is due shall have taken the following oath, before the said treasurer, who is hereby empowered to administer the same, or before one of his Majesty's justices of the peace, who shall give such person a certificate thereof, gratis, to wit: "I, A B, do swear that none of the horses or other articles or things whatsoever, impressed for the public service, have or hath been returned to me, or in any manner came to my hands or possession, since the same was or were impressed, excepting what I now return; and in case any horse or other article or thing whatsoever, that hath been so impressed, shall at any time hereafter come to my hands, possession or knowledge, I will, with all possible expedition, either account for the value thereof with the treasurer, or acquaint him therewith, that the same may be restored to the public; and I do further swear that the money by me now demanded is truly and justly due to me from the public: So help me God."

To be applied to the payment of the expedition against the Cherokees.

Treasurer to advertise in the Gazettes for claimants who furnished the said expedition.

Oath to be administered to claimants.

A. D. 1760.

A moiety to be deducted for articles refunded.

VII. *And be it also enacted*, That if any of the things impressed as aforesaid, and for which payment is directed by the schedule hereunto annexed, have been returned to or have come into the possession of the person from whom the same was impressed, or to his or her use, it shall be lawful for the treasurer, and he is hereby impowered and ordered, to deduct a moiety out of such person's account, as the thing returned as aforesaid has been valued at in the said account, and also to demand, sue for and receive back a moiety of such sum as shall have been paid to any person or persons, to whom any of the things aforesaid shall hereafter be returned, or to whose possession or use the same shall come respectively, as aforesaid.

Orders to pass for the value expressed therein.

VIII. *And be it further enacted* by the authority aforesaid, That the said orders shall pass in payment to the public treasury for the value, equal to so much money, as is expressed in the denomination of each order, until the last day of November, one thousand seven hundred and sixty-five, but not after.

When to be called in and sunk.

IX. And whereas, the sum of seventy thousand pounds is provided by the schedule to the Tax Act, for calling in and sinking the like sum of the said orders, so that there will be two hundred and forty-six thousand six hundred and ninety-three pounds two shillings and five pence, remaining of the said orders, to be called in and sunk; *Be it therefore enacted* by the authority aforesaid, That the said remaining part of the said orders shall be called in and sunk within the term of five years from the time of passing this Act, at one fifth part thereof, in every year, by general taxes, to be annually levied on the estates, real and personal, of the inhabitants of and others interested in this Province; that is to say, the sum of forty-nine thousand three hundred and thirty-eight pounds twelve shillings and six pence, for sinking one fifth part of the said orders, shall be inserted in the schedules annexed to the tax laws that shall be made for defraying the charges of the Government of this Province for the several and respective years of our Lord one thousand seven hundred and sixty, one thousand seven hundred and sixty-one, one thousand seven hundred and sixty-two, one thousand seven hundred and sixty-three, and one thousand seven hundred and sixty-four.

How the required sums are to be raised.

X. *And be it further enacted* by the authority aforesaid, That in case a tax law for defraying the charges of any of the years aforesaid shall fail of being made before the first day of August then next ensuing, then and in every such case the said sum of forty-nine thousand three hundred and thirty-eight pounds twelve shillings and six pence, shall be raised, levied and paid, for such year or years, out of the estates, real and personal, of the inhabitants and others interested in this Province, in such proportion and manner, and under such restrictions and limitations, and at such time and times in each year, as shall be directed and provided by an ordinance or resolution of the General Assembly, and shall be inquired of, assessed and collected by such inquirers, assessors and collectors as shall be nominated and appointed for those purposes by such ordinance or resolution; but should it so happen that no such ordinance or resolution should be made, then the inquirers, assessors and collectors of the last preceding tax, shall assess, levy and collect the said sum of forty-nine thousand three hundred and thirty-eight pounds twelve shillings and six pence; and in all such cases the annual rates of all the slaves in this Province shall be ten shillings per head; and of all lands without the limits of Charlestown, ten shillings per hundred acres; and the sum of five shillings per centum on the value of all town lots, wharfs and buildings and other lands within the limits of any town, village or borough in this Province; the bounds of Charlestown to

extend as far as the new fortifications, from Ashley river to Cooper river; and the sum of five shillings on every hundred pounds owing to any person on bond or other specialty or note of hand, bearing or including interest, over and above what they pay interest for; and at the rate of one per cent. on all monies arising from annuities; and the sum of five shillings per centum on every person's stock in trade, that is to say, wares, merchandize and book debts of persons in trade, shopkeepers and others; and the like sum of five shillings per centum on all faculties, professions, (the clergy excepted) factorage, and handicraft trades throughout the Province. Which said sum of forty-nine thousand three hundred and thirty-eight pounds twelve shillings and six pence, shall be annually applied for calling in and exchanging the said orders; and the said orders, from time to time, as the same shall come into the treasury, shall be cancelled and destroyed, in the presence of a committee of the Council and Assembly, to be appointed for that purpose.

A. D. 1760.

XI. *And be it further enacted* by the authority aforesaid, That the public treasurer for the time being, shall be, and he is hereby obliged and required, from time to time, as any money shall come into his hands, of the sums hereby directed to be annually levied and collected, to exchange the same for so much of the public orders to be issued in virtue of this Act, and shall not, upon any account or pretence whatever, re-issue any of the said orders, but shall carefully retain the same in his hands, to be cancelled and destroyed as aforesaid. And the said treasurer shall be allowed ten shillings on every hundred pounds for receiving and paying the said orders away and all his trouble in the execution of this Act.

Duties of the public treasurer under this Act.

His fees.

XII. *And be it also enacted* by the authority aforesaid, That any person or persons who shall counterfeit, raze or alter any of the public orders issued by virtue of this Act, or shall offer them in payment knowing the same to be counterfeited, razed or altered, and every person and persons who shall assist, abet or procure the counterfeiting, razing or altering such orders, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons, without the benefit of the clergy.

Penalty for counterfeiting.

THE SCHEDULE,

TO WHICH THE ACT ANNEXED REFERS.

To the following persons for articles impressed by Colonel Pawley's battalion, viz:

Peter Porcher, rice,	£ 16 02 00
Thomas Potts, sundries,	16 10 00
John McDowall, a cart,	18 00 00
William Thompson, a cart,	17 10 00
Alexander Davison, a sheep,	3 00 00
Thomas Potts, 8½ bushels of corn,	4 05 00
Archibald Johnston, 4,149 lbs. weight of flour,	269 13 07
Aquila Miles, a horse,	30 00 00
Elisha Scriven, two horses,	95 00 00
Samuel Lorimer, two horses,	65 00 00
William Cooper, a horse,	67 15 00
Henry Tuthy, three old bridles,	1 00 00
Charles Woodmason and Company, sundries,	68 18 06
James Hamilton, a bullock and nine bushels of corn,	16 15 00
Daniel Dupree, two horses and bells,	83 17 06
John Baxter, a waggon and horses,	295 10 00
Thomas Lorimer, a horse,	50 00 00

A. D. 1760.	Hugh Hall, deer skins,	£ 21 12 00
	Joseph Scriven, horses,	155 00 00
	Susanna Scriven,	55 00 00
	William Dargon, corn and fodder,	4 00 00
	Forges McDowell, repairs to carts,	9 00 00
	Conrad Holman, corn and straw,	9 10 00
	Samuel Thomas, corn,	3 05 00
	Christopher McDowell, repairs to carts,	9 00 00
	Joshua Scriven, a bullock, £14; rice, £5; traces and sole leather, £8 10s.	27 10 00
	Anthony Martin White, a horse and mare,	60 00 00
	Anthony White, sundries,	380 12 00
	John White, boards and pasturage of horses,	87 06 09
	Joseph White, a weather, £3 5s.; a horse cart, £23,	26 05 00
	Joseph Scrivener, a horse,	60 00 00
	John Gregg, a cart and other articles,	41 00 00
	Henry Tuthy, a cart and horses,	161 00 00
	Peter Lessene, a horse and cart,	46 00 00
	Henry Scriven, a cart and harness,	25 00 00
	Joseph McCree, two horses. (to be paid upon producing a certificate from the proper officer,)	72 00 00
	John McCree, a horse and mare, ditto,	72 00 00
	Othniel Beale, Son and Company,	147 00 00

To the following persons, for articles for the use of Colonel George Gabriel Powell's battalion, viz :

Richard Wright, cooper's ware,	4 07 06
John Gudding, two hogs,	5 00 00
Charles Ash, cartage,	10 00 00
Joseph Parsons, guiding the battalion from Saluda to Broad River,	1 11 00
Ambrose Adams, entertainment,	9 10 00
Peter Crim, ditto,	4 04 00
David Anderson, 16 head of cattle,	116 00 00
John Crawford, supplied men, and deducted out of their pay,	238 11 09
Abraham Lundy, beef,	7 00 00
John Jenkins, two beeves and ten bushels of potatoes,	12 00 00
John Cooper, three bullocks,	23 00 00
Robert Weaver, provisions,	10 00 00
Sarah Jones, bread,	19 12 06
Edward Teel, 26 bushels of corn,	9 15 00
Robert Weaver, horses and carts, £123, and provisions £6 12s. 6d,	129 12 06
Sarah Knights, potatoes,	6 00 00
Joseph Holland, a fat cow,	8 00 00
Robert Weaver, balance of his account, sundries,	385 09 0½
David Anderson, beef,	30 00 00
Christopher Gadsden, Esq. sundries, deducted from the men's pay,	963 01 00

To the following persons, for Colonel John Chevillet's battalion :

William Turner, for purchasing and driving cattle,	79 10 00
George Hooper, for flour,	78 03 00
Peter Whiting, for provisions,	13 00 00
Samuel Scott, for sundries,	600 16 03
Leonard Rough, for flour,	25 17 06
William Lawrence, for a piece of Osnaburghs,	48 00 00
William Turner, for nineteen head of cattle,	208 00 00
Michael Snyder, for 1045 lb. weight of flour,	41 17 06
James Jenkins, for three head of cattle,	34 00 00
Susanna Burnett, for thirty-five bushels of corn,	26 05 00
John Stewart, for 1855 lb. weight of flour,	74 05 00
Elizabeth Mercier, for 8 bushels of English pease, £12, and for 20 bushels of corn, £15,	27 00 00

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To the following persons, for Colonel Richard Richardson's battalion, viz :	
Colonel Richard Richardson, for 10 head of steers, £130, and for a horse, £40,	£170 00 00
Joseph Kershaw, for sundries,	779 07 04
Estate of Christopher Easton, for a steer,	13 00 00
David Davis, five steers,	65 00 00
Thomas Bosher, for a horse,	25 00 00

To the following persons, for the battalion commanded by Lieut. Colonel Benjamin Singleton, viz :	
Thomas Anderson, for twenty-three bushels of corn,	17 05 00
Michael Lightner, for the hire of a mare,	17 05 00
Peter Whitton, for corn, potatoes and forage,	9 00 00
Benjamin Waring, Esq., for a drum,	14 00 00
Frederic Hoof, for twenty head of steers,	240 00 00
Conrad Kenalar, for thirteen head of cattle,	127 00 00
John Grossman, for hire of a cart and two horses two days,	5 00 00
Michael Taylor, for 102 bushels of corn, at 10s.	51 00 00
Magdalene Linder, for 450 lb. weight of flour, at £5,	22 10 00
John Mouncey, for flour and salt,	121 02 09

To the following persons, for Colonel Daniel Heyward's battalion, viz :	
The estate of John Izard, for eight barrels of rice and beef,	132 00 00
Hans Amaker, for two steers, at £12 10s.,	25 00 00
Maurice Harvey, for a cart,	10 00 00
John Grayson, for 1373 lb. weight of flour, at £6 10s.,	89 05 03
The estate of John Splatt, for a steer,	12 00 00
Elijah Postell, Esq., for a horse,	25 00 00
Francis Stuart, for sundries,	73 11 10
Benjamin Waring and Ralph Izard, Esqs., for a horse,	10 00 00
John McQueen, Esq., for a horse,	65 00 00
The estate of John Hutcheson, for a cart and two horses,	65 00 00
Thomas Bowman, for a cart-horse,	40 00 00
John Chapman, for a cart,	32 00 00
John Mullryne, for a horse and cart,	63 10 00
Colonel Daniel Heyward, for a horse,	15 00 00
James Sharpe, for a handsaw and chisel,	1 17 06
John Postell, for two horses,	75 00 00

To the following persons, for a detachment from Colonel Henry Hyrne's regiment, viz :	
Philip Isamar, for a hog,	4 10 00
Philip Jacob, for corn blades, a hog and potatoes,	6 17 06
Ralph Sandford, for a horse,	48 00 00
George Johnson, for provisions,	35 00 00
Rev. Mr. John Geissendander, for hire of a horse 7 days,	7 00 00
Joseph Anger, for a horse,	40 00 00
Abraham Churethner, for hire of a man, cart and horse, 3 days,	6 00 00
Estate of Richard Waring, for two stall-fed oxen,	50 00 00
Melchor Hoffman, for corn and corn blades,	1 00 00
John Mather, for a cart,	10 00 00
William Young, for provisions,	5 00 00
William Hart, for seven steers, and driving,	72 00 00
Christopher Minnick, for 11 head of cattle, at £9 10s.,	104 10 00
Henry Rinchenbacker, for flour, pease and hogs,	21 16 03
John Single, for hire of a horse two days,	2 00 00
Nicholas Shooler, for a steer,	8 00 00
Samuel Suiter, for the hire of two horses seven days, at 40s. per day,	14 00 00
Nicholas Zorme, for a mare, and damage done his cart,	29 10 00
Nicholas Noey, for the hire of a horse, £3; for a hog, salt, &c., £6 5s.; a bushel of corn, 10s., and a horse for an express, eleven days, £8 5s.,	18 00 00
Samuel Elliott, for the hire of a negro drummer,	44 05 00

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To the following persons, for the use of the several battalions :

John Guerard, Esq., for salt,	£ 78 10 00
Joanna Monck, for thirty bushels of potatoes,	7 10 00
John Page, for flour,	56 07 00
Estate of Benjamin Newton, for a fat cow,	9 00 00
Anthony Slack, for flour, £26 9s. 10d., and corn-blades, £14 5s.,	40 14 10
Jacob Gallman, Jr. for a steer	9 10 00
John Gallman, Jr. for a steer,	9 00 00
Philip Puhl, for flour,	188 14 04
John Cole, for collecting and driving steers,	176 00 00
William Berry, for the hire of a horse nine days,	6 15 00
Ulric Boukman, for flour,	48 08 00
Anthony Boukman, for two head of cattle,	21 00 00
Godfrey Dreyer, four certificates for flour,	2333 02 00
William Lloyd, for shot, kettles, &c.	270 11 03
Henry Sholl, for flour,	44 15 00
Alexander Tate, for provisions and pasturage,	12 17 06
Carne & Wilson, for medicines,	200 00 00
Andrew Bargainer, for hire of a horse 23 days, at 15s.	17 05 00
Samuel Liver, for the hire of two horses,	37 10 00
Conrad Holman, for entertaining the Governor and several others,	55 00 00
William Banbury, for ten barrels of bread,	79 16 00
William Seawright, 7 certificates for entertaining several parties, for provisions, potatoes and two fat cows,	161 18 09
Jethro Manning, for flour,	94 08 09
Charles Stevenson, on John Ploughman's order, for 1300 lb weight of flour,	48 15 00
Mary Peronneau, for entertaining troopers, £69 10s., and part of St. George's Company, £5 15s.	75 05 00
Frederic Toover, for the hire of a horse,	15 00 00
Thomas Wright, Esq. for sundry articles,	198 02 09
Conrad Folk, for flour,	77 13 06
Simeon Theus's estate, for entertaining several parties,	104 18 09
Michael Christopher Rowe,	30 13 00
George Tickle, for entertaining troopers,	8 12 06
John Kesson, for sundries supplied the troopers, £116 15s., and for the hire of a horse, £12,	128 15 00
Gasper Foust, for twenty-six head of cattle,	296 10 00
Thomas Elliott, for sixty-two head of cattle,	802 10 00
Hans Ulric Buckhurst, for flour,	43 19 08
Robert McCuen, for corn blades,	20 00 00
George Spigner, for flour,	22 15 09
Jacob Hyley, two certificates for flour,	76 14 7½
Robert Carter, for driving cattle,	222 10 00
Mary Sneether, for flour, £65 10s., and for hire of horses, £84,	149 10 00
Elias Taige, for flour,	8 19 05
Nicholas Smith, for flour,	9 14 07
William Tullwood, for the hire of a horse,	25 00 00
Henry Gallman, five certificates for flour, £171 7s. 2d., for corn and pasturage, £28 15s.	200 02 02
Nicholas Miglar, for blacksmith's work, account £5 6s. 6d., certificate 15s.	6 01 06
Harmen Christopher Derting and Conrad Geiger, for pasturage of cattle,	10 00 00
David Anderson, for thirteen head of steers,	169 00 00
John Anderson, for Indian corn,	92 05 00
Jacob Hagaboog, four certificates for cattle,	55 00 00
Richard Owen, two certificates for corn and forage,	36 02 06
Samuel Little, for corn, £15, and for beef and potatoes, £28 1s. 8d.	43 01 08
Joseph Russell, for corn,	14 00 00
Paul Townsend, on an order of Andrew Hacker. for corn,	30 00 00
Paul Townsend, on an order of John Kennett, for flour,	150 06 00

Paul Townsend, on an order of Michael Huck, for a steer,	£ 10 00 00	A. D. 1760.
Thomas Anderson, for corn,	12 15 00	
John Ward, on an order of Michael Hetley, for corn blades,	12 00 00	
Felix Grose, for flour, £52 6s., and for service as a wheelwright, £67 5s.	119 11 00	
Nathaniel Broughton, for corn,	15 15 00	
Christopher Gadaden, Esq., on John Lyde's order, for rye and corn,	10 05 00	
Lake Stoutenburgh, Esq. for a horse and cart,	65 00 00	
Christopher Gadaden, Esq. two certificates for beef,	40 07 06	
Archibald Campbell, for sundries,	93 05 00	
Samuel Perkins, for two horses,	40 00 00	
John George Smithpeter, for provisions,	109 15 00	
Anthony Cutter, for a horse,	40 00 00	
Hugh Winter, for the hire of a horse,	9 00 00	
Conrad Holman, for provisions and forage,	19 00 00	
George Austin, Esq. for a horse,	35 00 00	
Jacob Miller, for a horse,	50 00 00	
Henry Ravenell, for a horse,	67 10 00	
Wadboo Estate, for provisions and corn, two certificates,	71 04 02	
William Hansworth, for fodder and oats,	30 00 00	
Thomas Godfrey, on Philip Pledger's order, for two horses,	65 00 00	
Colonel George Gabriel Powell, for a cart and harness,	20 00 00	
The estate of John Scott, deceased, for 4 horses, £140, and for 4 steers, £52,	192 00 00	
Mary Langley, for two horses and saddles,	75 00 00	
Stephen Eleazer, for a steer,	10 00 00	
Jacob Boughter, for steers and flour, three certificates,	120 07 00	
Christian Theus, for flour,	23 07 00	
Samuel Irwin, for flour,	63 13 00	
Mary Langley, for a horse,	15 00 00	
John Rowell, for provisions, two certificates,	73 19 06	
John Mikell, for a steer,	10 00 00	
Theophilus Norwood, for provisions,	3 00 00	
Charles Faucheraud, Esq. for a horse,	120 00 00	
George Austin, Esq. for a pair of cart wheels,	12 10 00	
Thomas Burton, for a horse,	20 00 00	
Captain Hazzard, for a bullock,	15 00 00	
Samuel Nelson, for three steers,	39 00 00	
Peter Mellet, for two steers,	26 00 00	
Robert Carter, for a fat cow,	11 00 00	
James McElvie, several certificates for sundries,	160 17 06	
Hans Sigrist, for cattle,	27 00 00	
John Parker and Company, for sundries,	87 09 00	
George Keith, for flour and waggon hire,	48 10 00	
Jacob Tyler, for waggon hire,	28 00 00	
Jacob Murff, for ditto,	28 00 00	
Elizabeth Mercier, for provisions, £43, and pasturage of cattle, £2 18s.	45 18 00	
John Cole, for driving cattle,	10 00 00	
Ulric Backman, for three steers,	30 00 00	
Michael Lightner, for waggon hire,	28 00 00	
Jacob Haggabuck, for eleven head of cattle,	120 00 00	
Terence Railey, for flour,	96 10 00	
Godfrey Dreyer, for flour,	177 00 00	
Adam Summers, do.	80 15 00	
John Sheely, do.	95 03 00	
John George Smithpeter, for waggon hire,	40 00 00	
Henry Hartley, for cattle, £136, and for flour, £91 18s.	227 18 00	
Conrad Shire, for flour,	60 15 00	
Jesse Godwin for cattle,	77 00 00	
Frederic O'Neale, do.	80 00 00	
William Baker, for flour,	194 03 00	
Harman Christopher Dettering, for flour,	65 00 00	

A. D. 1760.	William Seawright, for cattle,	£112 00 00
	Colonel Colleton, for beef,	94 00 00
	Catharine Hughes, for a steer,	13 00 00
	David Davis, for three steers,	39 00 00
	Conrad Holman, for two steers,	16 00 00
	Sampson Ball, for three steers,	39 00 00
	John Ward, for a steer,	13 00 00
	Thomas Nightingale, for waggon hire,	578 11 00
	Moses Tompeon, for a steer,	9 00 00
	Peter Caim, for cattle,	1,045 00 00
	Conrad Kensall, on Henry Sestrunk's order, for cattle,	40 00 00
	Thomas Drayton, Esq. for cattle,	388 00 00
	Elizabeth Mercier, nine orders and certificates for sundries,	1,725 01 09
	Alexander McIntosh, for a horse and cart,	85 00 00
	Thomas Godfrey, on Philip Pledger's order, for wheat,	25 00 00
	Thomas Kennerly, for cattle,	57 00 00
	John Brossee, for the hire of a cart and horses,	33 00 00
	Nicholas Tetherhoff, for provisions,	44 04 00
	Peter Roat, do.	74 13 01
	William White, do.	6 08 00
	Michael Taylor, for a hog,	3 00 00
	Da Costa and Farr, for brass kettles,	426 03 06
	Ward and Leger, for powder and bullets,	380 00 00
	Daniel Cokely, for flour,	13 00 00
	James Smith, for driving cattle,	12 12 00
	Ernest Hans Hoff, for work done to carriages,	23 11 06
	John Ward, for cattle,	39 00 00
	George Power, for flour,	142 14 00
	Richard Hill, for provisions,	6 10 00
	Anthony Coulter, for flour,	23 15 00
	Daniel Mickler and William Ritnover, two accounts for blacksmith's work,	102 00 06
	William Ritnover, on Daniel Mickler's order, for blacksmith's work,	15 00 00
	Tunes Tebout, for horse hire,	30 00 00
	Thomas Anderson, for Indian corn, two certificates,	102 15 00
	James Anderson, three certificates for Indian corn,	253 05 00
	Thomas White, two certificates for corn and salt,	80 13 09
	Ancrum, Lance and Loockock, on orders of the following persons, viz :	
	James Brunson, for cattle,	£ 26 00 00
	Samuel Thompson, for horse hire and flour,	8 05 00
	William Allison, for driving cattle,	12 12 00
	Thomas McFadden, for horse hire,	16 00 00
	Jacob Rumph, for cart hire,	5 00 00
	Tobias Hartshog, for cattle,	38 00 00
	Christopher Rowe, for cattle,	34 10 00
	Jacob Rumph, 3 certificates more, for cattle and corn,	120 10 00
	Henry Tilder, for cattle,	47 10 00
	James M'Girt, for a steer,	13 00 00
	William Cantey, for a steer,	13 00 00
	James Kelly, for a waggon and provisions,	86 00 00
	William Curson, two certificates for horse hire,	19 00 00
	Evan Evans, for hire of a waggon and horses,	215 00 00
	John Cannon, for flour, £214 5s., and for waggon hire, £450,	664 05 00
	James Funning, for waggon hire, in part,	313 05 00
	Captain John Cantey, for cattle, bread, flour and other provisions,	109 00 00
	John Paine, for waggon hire,	40 00 00
	Mary McKennie, for the hire of a horse,	27 10 00
	Jasper Sutton, part of what was due for waggon hire,	411 10 00
	Samuel Wyley, for horse hire, £32 10s., and for corn, £450,	482 10 00
	David Dixon, for waggon hire,	465 00 00

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Curtis Colwell, for guiding Colonel Powell's battalion,	£ 3 02 00
Thomas Abbot, for a steer,	13 00 00
John McKiddy, for a horse,	25 00 00
Samuel Thompson, for flour,	7 10 00
John Marton, for a steer,	7 00 00
Isaac Rosa, for a steer,	12 00 00
Richard Middleton, for a steer,	13 00 00
Captain James McGirt, for a steer,	13 00 00
Robert Carter, for cattle,	104 00 00
Captain William Cantey, for cattle,	104 00 00
Daniel Matthews, two certificates for provisions,	28 07 06
Thomas Marler, for provisions,	4 00 00
Luke Gibson, for provisions,	4 17 06
Joseph Nickle, for driving cattle,	6 00 00
Matthew Huggins, for provisions,	10 10 00
Judith Brown, for provisions,	5 00 00
Oliver McHaffy, for potatoes,	7 10 00
Joseph Kershaw & Company, for sundries,	196 19 09
Thomas Maple, for cattle,	26 00 00
Josiah Cantey, for a steer,	13 00 00
Hans Waggoner, two certificates for provisions,	39 17 00
William McKnight, Joseph Davis and John McConnell, for waggon hire,	250 00 00
John Price, for waggon hire,	330 00 00
Matthew Gillespie, ditto,	335 00 00
Matthew Gillespie, for flour,	50 05 00
Joseph Davison, for flour,	24 11 05
Alexander McKnight, for flour,	30 15 07
James Kelly, for cattle,	52 00 00
George Parks, for blankets and osnaburgs,	128 00 00
Samuel Wells, for cattle,	20 00 00
Martha Hollinger, for flour,	2 00 00
Henry Thompson, for waggon hire,	280 00 00
Stephen Elmore, for do.	407 10 00
James Harris, do.	272 00 00
John Robeson, do.	195 00 00
William Elmore, do.	161 01 03
William Brand, for hire of a cart and horses,	57 00 00
William Cantey, for a horse,	60 00 00
John Wright, for two horses,	45 00 00
Israel Grant, for corn,	51 07 06
Joseph Kershaw and Company, for waggon hire, £335; and for another waggon and four horses lost, £357 10s.	692 10 00
Peter Lince, for provisions,	10 00 00
James Love, for waggon hire, £260, and for five head of cattle, £60,	320 00 00
Matthew Elmore, for flour,	73 10 00
Daniel Matthews, for provisions,	7 19 06
	<hr/> £7,683 16 00
Robert Rawlins, residue of the sum due to Jasper Sutton, for waggon hire,	38 10 00
Benjamin Godfrey, residue of the sum due to James Fanning,	76 15 00
John Rawl, for waggon hire,	373 00 00
Felix Long, do.	82 00 00
Paul Townsend & Company, on Adam Ebting's order, for waggon hire,	345 00 00
Adam Shickle, on said Ebting's order,	120 00 00
Felix Long, for a horse,	50 00 00
Peter Aker, for waggon hire,	402 00 00
John Mick, do.	68 00 00
Lawrence Keiser, do.	388 10 00
John Mick, do.	76 10 00

STATUTES AT LARGE

A. D. 1760.	Christian Simmerman, for waggon hire,	-	-	-	-	£362 00 00
	John Mick, do.	-	-	-	-	68 00 00
	Terence Railey, do.	-	-	-	-	435 00 00
	Ebenezer Way, do.	-	-	-	-	50 00 00
	William McKenny, do.	-	-	-	-	385 00 00
	Robert Reid, do.	-	-	-	-	65 00 00
	James Beamer, do.	-	-	-	-	35 00 00
	Paul Townsend & Company, on John Ploughman's order, for waggon hire,	-	-	-	-	440 00 00
	John Stouts, for waggon hire,	-	-	-	-	294 10 00
	Sarah Nightingale, do.	-	-	-	-	10 10 00
	Paul Townsend & Company, on Conrad Shirer's order, for waggon hire,	-	-	-	-	373 13 09
	Evererd Encey, " " "	-	-	-	-	71 06 03
	Godfrey Dreyer, " " "	-	-	-	-	5 00 00
	William Savage, on Dennis Haigon's order, for waggon hire,	-	-	-	-	480 00 00
	Peter Crim, for waggon hire,	-	-	-	-	388 10 00
	Felix Long, do.	-	-	-	-	76 10 00
	Conrad Holman, for hire of a cart and horses,	-	-	-	-	246 00 00
	Andrew Kogler, " " "	-	-	-	-	237 10 00
	Evererd Encey, " " "	-	-	-	-	59 10 00
	John Stewart, for waggon hire,	-	-	-	-	365 00 00
	Paul Smyser, do.	-	-	-	-	20 00 00
	Conrad Folk, do.	-	-	-	-	437 10 00
	Paul Smyser, do.	-	-	-	-	67 10 00
	Andrew Hicker, for the hire of a cart and horses,	-	-	-	-	250 12 06
	Evererd Encey, for ditto, " " "	-	-	-	-	49 07 06
	William Hayes, for waggon hire,	-	-	-	-	390 00 00
	Felix Long, " " "	-	-	-	-	85 00 00
	John Simmons, " " "	-	-	-	-	397 10 00
	Paul Smyser, " " "	-	-	-	-	67 10 00
	Joseph Irwin, " " "	-	-	-	-	110 00 00
	Robert Reid, " " "	-	-	-	-	94 10 00
	Henry Croome, " " "	-	-	-	-	333 12 06
	Evererd Encey, " " "	-	-	-	-	56 07 06
	John Wildermoth, " " "	-	-	-	-	340 00 00
	Thomas Bell, " " "	-	-	-	-	110 10 00
	Robert Reid, " " "	-	-	-	-	94 10 00
	John Bickle, " " "	-	-	-	-	362 07 06
	Evererd Encey, " " "	-	-	-	-	62 12 06
	Thomas Anderson, " " "	-	-	-	-	369 15 00
	Michael Kelleison, " " "	-	-	-	-	35 05 00
	Henry Gallman, " " "	-	-	-	-	490 00 00
	Zachariah Isobell, " " "	-	-	-	-	240 00 00
	Anthony Ernst, for hire of a cart and horses,	-	-	-	-	240 00 00
	Thomas Kennerly, for waggon hire,	-	-	-	-	240 00 00
	Jacob Neark, for hire of a cart and horses,	-	-	-	-	130 00 00
	Michael Lightner, for waggon hire,	-	-	-	-	390 00 00
	Jacob Buchman, for hire of a cart and horses,	-	-	-	-	156 00 00
	Leonard Rufus, for the like service,	-	-	-	-	111 00 00
	Jacob Scop, for the like service,	-	-	-	-	237 00 00
	George Uzman, for the like service,	-	-	-	-	122 10 00
	Leonard Sammat, for the like service,	-	-	-	-	234 00 00
	John Frimouth, for the hire of horses, corn and other articles,	-	-	-	-	149 07 06
	Jacob Fridig, for waggon hire,	-	-	-	-	310 00 00
	Gasper Foose, ditto,	-	-	-	-	390 00 00
	John Repp, ditto,	-	-	-	-	280 00 00
	George Hooper, ditto, (on making oath that not less than four horses were employed,)	-	-	-	-	405 00 00
	George Inainger, for the hire of a cart and horses,	-	-	-	-	111 00 00
	John Ulric Keiser, ditto,	-	-	-	-	198 00 00
	George Smithpeter, for waggon hire,	-	-	-	-	420 00 00

Henry Gallman, for waggon hire,	£485 00 00	A. D. 1760.
George Keith, for waggon hire,	390 00 00	
Philip Pledger, for hire of a cart and horses,	255 00 00	
John Sheally, for waggon hire,	460 00 00	
Jacob Tyler, do.	290 00 00	
Jacob Murphy, do.	380 00 00	
Jacob Dettering, do.	460 00 00	
John Reece, do.	415 00 00	
Evererd Ency, on an order of Thomas Greenlage, for hire of a cart and horses,	204 00 00	
Nathaniel McKennie, for waggon hire,	395 00 00	
John George Bower, for the hire of a cart and horses,	153 00 00	
John Gizzlehard, for the like service,	198 00 00	
John Gartman, for waggon hire,	440 00 00	
John Archibald, do.	230 00 00	
John Mercer, do.	275 00 00	
Martin Timberman, do.	415 00 00	
Hugh Hall, do.	230 00 00	
Gilbert Fowler, do.	380 00 00	
Elizabeth Mercier, for a waggon lost,	125 00 00	
Michael Snyder, for the hire of a cart and horses,	129 00 00	
John Long, for waggon hire,	107 00 00	
Jacob Traat, do.	325 00 00	
John Rawl, do.	130 00 00	
John Erbord, for the hire of a cart and horses,	159 00 00	
Nicholas Tederhoff, for the like service,	153 00 00	
James Spratt, for waggon hire,	275 00 00	
William Field, do.	290 00 00	
John Wilson, do.	275 00 00	
George Lide, for the hire of a cart and horses,	201 00 00	
Matthias Wecker, for the like service,	177 00 00	
John Mouncey, on James Otterson's order, for waggon hire,	245 00 00	
Melchor Hoffman, for the hire of a cart and horses,	159 00 00	
Dunbar & Young, on Samuel Irwin's order, for waggon hire,	340 00 00	
Henry Hartley, for waggon hire, four hundred and seventy-five pounds,	475 00 00	
Archibald Murphy, for the hire of a cart and horses,	222 00 00	
Andrew Allison, for waggon hire,	255 00 00	
Michael Aichinger, do.	285 00 00	
Adam Summers, do.	420 00 00	
John Kyner, do.	250 00 00	
John Greer, do.	390 12 06	
Benjamin Godfrey, do.	94 07 06	
Robert McRarry, do.	151 15 00	
Michael Kelleison, do.	98 05 00	
James Anderson, do.	315 00 00	
Bernard Montz, do.	285 00 00	
William Baker, for waggon hire, £315; and for the hire of horses, £63,	378 00 00	
Hugh Wilson, for waggon hire,	275 00 00	
John Clark, do.	230 00 00	
George Abernethy, do.	380 00 00	
Conrad Kenslar, do.	400 00 00	
Frederic Rife, for the hire of a cart and horses,	207 00 00	
Ulric Boesser, for the like service,	237 00 00	
John Ragnous, for waggon hire,	415 00 00	
David Fridig, do.	495 00 00	
Henry Whetstone, do.	385 00 00	
Paul Townsend & Company, on John Simmons' order, for the hire of a cart and horses,	120 00 00	
Godfrey Dreyer, for waggon hire,	430 00 00	
Lewis Portner, to pay as much as he shall make appear to be due to him from the public, for waggon hire,	200 00 00	

A. D. 1760.	John George Shindler, for waggon hire, - - - - -	£ 425 00 00
	Joseph Poffman, do. - - - - -	485 00 00
	To the following persons, for the hire of waggons, of which the accounts have not been delivered in; and to be deducted out of the said accounts when delivered :	
	Benjamin Godfrey, on Robert Swan's account, - - - - -	89 15 00
	Benjamin Godfrey, on James Mitchell's account, - - - - -	94 07 06
	Sarah Nightingale, on Abraham Pennington's account, - - - - -	23 00 00
	Evererd Ency, on Peter Beck's account, - - - - -	22 17 06
	Felix Long, on Jacob Holman's account, - - - - -	76 10 00
	John Meeke, on George Tike's account, - - - - -	10 10 00
	Estate of John Colleton, Esq. for provisions, - - - - -	68 00 00
	William Darkins, for corn, £22 10s; and potatoes, £3, - - - - -	25 10 00
	Thomas Hamilton, for flour, - - - - -	162 09 00
	Thomas Howell, for steers, - - - - -	81 00 00
	Smith & Nutt, on Henry Foster's order, for flour, - - - - -	105 00 00
	Henry Strummer, for corn, - - - - -	2 10 00
	Daniel Mickler, for corn blades, - - - - -	20 00 00
	William Seawright, for corn, £31 10s; for entertaining Indians who came to meet the Governor, £17 5s.; for the like service on their return, £17 5s.; for horse hire, £3, - - - - -	69 00 00
	James Mackelwain and Thomas Hamilton, for flour, - - - - -	420 13 00
	Thomas Hamilton, for flour, - - - - -	58 05 00
	George Fox, for two steers, - - - - -	20 00 00
	Margaret Clark, for corn, - - - - -	18 00 00
	Peter Crim, for a steer, - - - - -	10 00 00
	Andrew Williamson, for a horse, - - - - -	21 00 00
	Simon Hart, for horse hire, - - - - -	4 00 00
	Lewis Kettowin, for horse hire, - - - - -	9 10 00
	George Smith, for horse hire, - - - - -	4 00 00
	Captain Charles Hart, for provisions for his company, - - - - -	30 00 00
	George Dickall, for corn, - - - - -	6 15 00
	John Aberley, for corn and beef, - - - - -	1 14 00
	Paul Townsend & Company, on an order of Hans Adam Epping, for flour, £135; and on an order of George Aiglebanger, for flour, £30, - - - - -	165 00 00
	John Ward, on several orders of Dennis Hays, viz: for provisions for Indians, £17 5s.; for corn, £55 10s.; for provisions for several of the militia, £28 3s. 6d.; for corn and potatoes, £10; for forage, £10, - - - - -	120 18 06
	John Hannes, for driving carriages, - - - - -	207 10 00
	George Power, for flour, - - - - -	99 17 00
	Hugh Herring, pay as a wheelwright, - - - - -	28 10 00
	Ludovic Fleahover, for blacksmith's work, - - - - -	18 00 00
	John Waties, Esq. for horses, - - - - -	50 00 00
	Gasper Dickson, for driving a carriage, - - - - -	77 15 00
	Joseph Deramas, for the hire of a horse, - - - - -	6 00 00
	Francis Crossman, for driving a carriage, - - - - -	68 15 00
	Dennis Quinayn, George Anderly, Jacob Rizer and Henry Rees, for attending Indians, - - - - -	46 04 00
	William Williamson, for a horse, - - - - -	40 00 00
	John Marley, for waggon hire, and hire of schooners, £1112; and for his services on the expedition, £350, - - - - -	1462 00 00
	John Ward, for swan shot, - - - - -	13 00 00
	Abraham Smith, for his pay, and the hire of three horses, - - - - -	200 00 00
	Abraham Smith, for attending Captain Stuart, - - - - -	24 00 00
	Captain John Pamor, for beef, - - - - -	45 13 00
	John Hannes, for attending Captain Stuart, - - - - -	16 00 00
	Thomas Monk, for a cart and harness, - - - - -	17 00 00
	William Killingsworth, for cattle, - - - - -	36 05 00
	John Purvis, for corn, - - - - -	7 10 00
	Peter Couterier, for a horse, - - - - -	50 00 00

Henry Gilder, for the hire of a horse,	£ 22 10 00	A. D. 1760.
The estate of John Crawford, Esq., deceased, two accounts for provisions,	111 09 00	~~~~~
William Dickson, for cattle,	84 00 00	
John Smith for driving cattle,	12 12 00	
Robert Goudy, the following sums, viz: for waggon hire, £975; for blankets and osnaburgs, £362 17s. 6d.; for lead, £11 4s.; for three hogs, £10 10s.; for sundry articles, £255 18s. 6d.; for corn, £288 11s. 3d.,	1904 01 03	
Robert Goudy, on the orders of the following persons, viz:		
Of Daniel Cokely, for flour,	£ 467 19 00	
Of Mary Reiden, for hogs,	15 00 00	
Of James Beamer, for carriage of salt, &c.	89 02 02	
Of Patrick Reily, for flour,	141 18 00	
Of Patrick Reily, for driving cattle,	12 12 00	
Of John Noulan, for the like service,	12 12 00	
Of Thomas Gill, for hogs,	12 06 00	
Of Ann Lacey, for corn,	19 07 06	
Of Thomas Anderson, for flour,	25 15 00—£ 796 05 08	
Gasper Dickson, for driving horses,	15 00 00	
Thomas Ballantine, for the hire of a horse,	13 10 00	
Jacob Larry, for the hire of two horses,	27 00 00	
Colonel Robert Rivers, for the like service,	27 00 00	
Abraham Smith, for the carriage of ammunition,	20 00 00	
Thomas Saunders, for the like service,	30 00 00	
Jacob Vraw, for driving horses,	10 00 00	
Joseph Norman, for a stall-fed ox,	24 00 00	
Evererd Ency, for horse hire,	13 10 00	
Estate of Richard Waring, for a stall-fed ox,	23 00 00	
Christopher Harman Bettering, for the hire of a cart and horses,	50 00 00	
Samuel Boone, for a horse,	41 00 00	
John Templeton, for wagon hire,	240 00 00	
William Stewart, for wagon hire,	255 00 00	
Gasper Morgandolar, for the hire of a cart,	10 00 00	
To pay the battalion of Colonel Richard Richardson (as the muster roll of the said battalion was settled by a committee of the Assembly,)	14,827 11 00	
To pay the men who served as butchers, horse hunters and wood cutters for the Indians, according to a list returned by Colonel Richardson,	108 03 00	
To pay the detachments from Berkley, Granville and Colleton counties, who went under the command of Lieutenant Colonel Singleton (as the pay lists of the said detachments were settled by a committee of the Assembly,)	9,410 11 04	
To pay the battalion of Colonel John Chevillette, (as the muster roll of the said battalion was settled by a committee of the Assembly,)	13,109 12 08	
To pay the battalion of Colonel George Gabriel Powell, (as the muster roll of the said battalion was settled by a committee of the Assembly,)	10,342 13 05	
To Lieutenant Colonel Benjamin Singelton,	124 00 00	
To the Public Treasurer, advanced by him for contingent services,	4,000 00 00	
To the same, advanced to pay the militia,	7,000 00 00	
To Mr. Joseph Nutt, commissary on the said expedition, eighty-one days pay, at 10 s. sterling per day,	283 10 00	
To the said Joseph Nutt, balance of his account,	7,465 06 00	
To two Surgeons, eighty-one days pay, at 40 s. per day, each,	324 00 00	
To two Surgeon's Mates, eighty-one days pay, at 25 s. per day, each,	202 10 00	
To Colonel Richard Richardson, a gratuity for his services,	1,000 00 00	
To Major William Thompson, a gratuity for his services,	275 00 00	
To pay seven companies of rangers, each company consisting of a captain, two Lieutenants, and 75 private men, till the first day of December next, according to the muster rolls, to be approved of by the Commander-in-chief; and to pay the Treasurer such sums of money as he has advanced for this service,	101,745 00 00	

A. D. 1760.	To pay five officers and 125 private men, (being all that could be raised of the regiment intended to consist of 1000 men,) nine months pay, .	£ 17,640 00 00
	To pay for the scalps of Cherokee Indians, .	3,500 00 00
	To pay the captain commissioned by the Lieutenant Governour to head the Upper Chickesaws against the Cherokees, during the time he shall be actually in service, .	200 00 00
	To pay a captain to head the Upper Creeks, and a captain to head the Lower Creeks, during the time they respectively shall be in actual service, £100 each, .	200 00 00
	To pay Captain James Adair, for leading the Chickesaws at New Savanna, during the time he shall be in actual service, .	200 00 00
	To pay for presents to 50 warriors and 150 women and children of the Catawba Indians, .	1,700 00 00
	To pay for presents to other tribes of Indians in amity with this Government, to induce them to join in the war against the Cherokees, .	7,000 00 00
	To pay such part of the three provincial companies as are now subsisting till the first day of December next, and to reimburse the Public Treasurer such sums of money as he hath advanced for this service, .	33,991 00 00
	For relieving such poor and infirm men and distressed women and children, as have taken refuge in any of the frontier forts, .	5,000 00 00
	To pay such persons as may have demands for provisions or wagon hire, and have not yet sent in their claims, so much as they shall make appear to be to them respectively due, .	3,500 00 00
		<hr/> £ 316,693 02 05

B. SMITH, *Speaker.*

In the Council Chamber, the 31st day of July, 1760.

Assented to: WILLIAM BULL.

No. 898. **AN ACT** FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF ONE HUNDRED AND SIXTY-THREE THOUSAND SEVEN HUNDRED AND TEN POUNDS SIX SHILLINGS AND ONE PENNY FARTHING, AND APPLYING SEVENTEEN THOUSAND FOUR HUNDRED AND EIGHTY POUNDS ELEVEN SHILLINGS AND FIVE PENCE, (BEING SURPLUS OF TAXES AND THE BALANCE OF SEVERAL FUNDS IN THE PUBLIC TREASURY,) MAKING TOGETHER ONE HUNDRED AND EIGHTY-ONE THOUSAND ONE HUNDRED AND NINETY POUNDS SEVENTEEN SHILLINGS AND SIX PENCE ONE FARTHING, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE FIRST DAY OF JANUARY TO THE THIRTY-FIRST DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE, BOTH DAYS INCLUSIVE, AND FOR OTHER SERVICES THEREIN MENTIONED.

Preamble. WHEREAS, by a schedule made of the charges of this Government for the year one thousand seven hundred and fifty-nine, and for other services in the said schedule mentioned, it appears that the sum of one hundred and eighty-one thousand one hundred and ninety pounds seventeen shillings and sixpence one farthing, will be wanting for those purposes, for defraying whereof, we, his Majesty's most dutiful and loyal subjects the Commons House of Assembly of this Province, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty the said sum of one hundred and eighty-one thousand one hundred and ninety

pounds seventeen shillings and six pence one farthing, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, limited and appointed, and to and for no other use, intent or purpose whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

A. D. 1760.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That a tax or sum of one hundred and sixty-three thousand seven hundred and ten pounds six shillings and one penny farthing current money of South Carolina, be imposed and levied on the several inhabitants and others interested in this Province, which, with the sum of seventeen thousand four hundred and eighty pounds eleven shillings and five pence, (being surplus of taxes and the balance of several funds in the public treasury,) shall be applied to the use of his Majesty for the support of this Government, in manner as is hereinafter mentioned.

Sum
appropriated.

II. And for the more certain and effectual levying of the said sum of one hundred and sixty-three thousand seven hundred and ten pounds six shillings and one penny farthing, *It is hereby enacted and declared*, That the sum of thirty-five shillings current money, per head, shall be levied on all negroes and other slaves whatsoever within the limits of this Province; and the sum of thirty-five shillings per hundred acres on all lands throughout the said Province, (town lots excepted;) and the sum of seventeen shillings and six pence per centum on the value of every such town lot, wharf and buildings, and other lands within the limits of any town, village or borough in this Province, the bounds of Charlestown to extend as far as the new fortifications from Ashley river to Cooper river; and the sum of seventeen shillings and six pence on every hundred pounds owing to any person on bond or other specialty or note of hand bearing or including interest over and above what they pay interest for; and at the rate of five per centum on all monies arising from annuities; and the sum of thirty-five shillings per head on all free negroes, mulattoes and mustizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of seventeen shillings and six pence per centum on every person's stock in trade, (that is to say,) wares, merchandize and book debts of persons in trade, shop keepers and others; and the like sum of seventeen shillings and six pence per centum on the profits of all faculties, professions, (the clergy excepted,) factorage and handicraft trades throughout this Province, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information; provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish where such new settler resides, that he settled himself in this Province upon the encouragement given by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

Specification
of taxation.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the parishes of St. Philip and St. Michael, who

A. D. 1760.

Exemptions
from taxation.Inhabitants of
Charlestown to
render an
account to the
inquirers, on
oath or
affirmation.

are possessed of any lands, slaves or monies, for which they receive interest in this Province, (lands whereon any churches or other buildings for divine worship or for free schools are erected and built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted) either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the first Tuesday in January next ensuing, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the said first Tuesday in January next; which oath or affirmation shall be in the following words, to wit: "I, A B, do swear, or affirm, (as the case shall be) that the account which I now give in is a just and true account of all the lands and slaves, monies I have upon bond or other specialty, or note bearing or including interest, (which I believe to be good) over and above what I pay interest for, and annuities which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare, without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

What taxable
articles are to
be returned.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever shall be obliged to make return of his or her lands, slaves, or monies at interest, in the country, over and above what he or she pays interest for, and of his or her annuities, to the inquirers and collectors for the parish or district respectively where such person lives or resides, and pay the taxes thereon to the said inquirers and collectors accordingly; and the inquirers and collectors of all and every the parishes and districts in this Province respectively, shall be, and they are hereby, fully authorized and empowered to issue executions against all and every person or persons, in their respective districts, who have not paid their just proportion of the preceding tax.

Attorneys and
trustees for
non-residents
to make
returns.

V. *And whereas*, there are divers tracts of land, slaves, and monies at interest in this Province, held, owned or claimed by persons not resident here, who pay no tax or other charge toward the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, of all lands, slaves, and monies at interest, belonging to such absent persons, for whom they are attorneys or trustees; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such land, slaves, or monies at interest, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the said collectors respectively that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said

tax: Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed; any thing herein to the contrary notwithstanding; and for levying whereof, the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively, where any lands lie which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and he and they are hereby authorized and empowered, directed and required to sell and dispose of any timber, lightwood or other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act, or to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons, for any term or time not exceeding seven years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby, declared good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

A. D. 1760.

Proviso.

Inquirers and collectors may sell timber and lightwood from off the lands of non-residents not returned.

VI. *And be it also enacted*, That in case any tract or tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attornies, trustee or trustees, legally constituted in this Province, then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing within this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof from the time of the assessment made, shall not be paid to the inquirers, assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall have been given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant land; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Lands of non-residents not returned and taxes not paid after 2 years, declared forfeit.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned respectively, viz: for the parish of Christ Church, William Vanderhost and Thomas Phillips; for the parish of St. James Goose Creek, Zachariah Villepontoux, Alexander Fraser and Robert Hume; for the parish of St. John in Berkley county, Francis Marion, Jonathan Drake and James Keith; for the parish of St. George, Dorchester, Maurice Harvey, Samuel Stevens and Richard Bohun Baker; for the parish of St. Thomas and St. Dennis, William Russ, John Syme and Robert Johnson; for the parish of St. Andrew, (James Island excepted) Thomas Graves and Thomas Ferguson; for that part of the said parish called James Island, Mallary Rivers and Benjamin Stiles: for the parish of St. John in Colleton county, viz. for John's Island, Daniel

Inquirers and collectors nominated.

A. D. 1760.

Holmes and David Hext; for Wadmelaw Island, George Scott; for Edisto Island, William Eddings: for the parish of St. Paul, viz. for Stono and the east side of Pon-pon, Joseph Law, Champernoon Williamson and Benjamin Perry; and for Beach Hill, in the said parish, John Hayes and Jacob Stevens, Jr.: for the parish of St. Bartholomew, George Logan and William Fishburn; for Combee and Chehaw, in the said parish, James Bolton and Thomas Stock; for the parish of St. James Santee, John De Leisseline and Daniel McGregor; for the parish of St. Stephen, Peter Sinclair and Joseph Porcher; for the parish of Prince George Winyaw, Job Rothmahler and Thomas Godfrey, and for the Welch tract, Anthony Pouncey; for the parish of Prince Frederic, Charles Woodmason, John Handlen and Anthony Martin White; for the parish of St. Mark, Samuel Cantey, William Davis and Benjamin Thomson; for the parish of St. Helena, Port Royal, William Elliott, Peter Perry and Samuel Hayward; for the parish of St. Peter, Purrysburgh, Archibald Bullock; for the parish of Prince William, Robert McCloud and David Murray; for the town and township of New Windsor, upon Savanna river, Stephen's creek, and parts adjacent, George Galphin and Albert Frederick; for the township of Amelia and adjacent places, William Sabb; and for Orangeburgh, with the forks of Edisto river and adjacent places, Michael Christopher Rowe; for the township of Saxe-Gotha, and the forks between the Congree and Wateree rivers and adjacent places, John Pearson, William Harson and William Raiford.

VIII. *And be it also enacted* by the authority aforesaid, That George Abbot Hall, Thomas Elfe and Sohn Parnham, be, and they are hereby appointed inquirers for the parishes of St. Philip and St. Michael, and that William Banbury, John Jones, William Lloyd, Daniel Cannon and Isaac Holmes, be, and they are hereby appointed assessors and collectors for the said parishes of St. Philip and St. Michael.

Owners of
lands situated
out of Charles-
town required
to pay the tax
by a certain
day.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, annuities in this Province, in their own right or in the right of others, or are any wise liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in March next ensuing, or within ten days then next after at farthest; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively within this Province, shall close their accounts, and shall deliver the same, on oath, to the public treasurer for the time being, (who is hereby empowered and required to administer such oath) and pay him all such monies as shall be by them respectively received, in pursuance of the directions of this Act, without any deduction for commissions or any other pretence whatever, on or before the last Tuesday in March next ensuing; and the inquirers, assessors and collectors of each parish or district, shall make their return of such district respectively, to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district, without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, monies at interest, annuities, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed.

Oath to be
administered.

Inquirers and
collectors to
make return of
their own land.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies

at interest, annuities, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal. A. D. 1766.
Penalty on concealment.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, annuities, lands or slaves, to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in January next, at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, annuities, lands and slaves. Defaulters to be doubly taxed.

XII. *And be it also enacted* by the authority aforesaid, That the inquirers for the parishes of St. Philip and St. Michael, are hereby ordered and directed to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette, three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities and money at interest, of the said inhabitants which they shall be possessed of, interested in or entitled unto, either in their own right, or in the right of any other person whatsoever, lying or being in the said parishes, and of all the lands and slaves which the said inhabitants are possessed of, in their own right, or in the right of any other person, without the limits of the said parishes, or in any other part of the province; and the account of the real estates, slaves, money at interest and annuities of the said inhabitants, shall be returned to the said inquirers upon oath, in the manner hereinbefore directed; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for the said parishes, on or before the first Tuesday in February next; and the said inquirers shall likewise extract and certify to the said assessors, all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitants of the said parishes, in trust for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, annuities and money at interest, returned in trust for persons living in the country, shall be reckoned as part of the country tax: Provided always, that nothing herein contained shall extend or be construed to extend to give the said assessors any power or authority to rate or assess any goods, wares or merchandize consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or money set apart for pious or charitable uses. Inquirers and collectors in Charlestown to go once to every house, to make enquiry as to taxable property.

To certify to the assessor's property returned out of Charlestown.

Not to extend to consignments or factorage.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attornies shall have reason to believe that he or she is over-rated for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the guard house in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his or their attorney or attornies shall think they are over-rated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any one of them, are hereby impowered to administer such oath, and to allow an abatement accordingly. Remedy in case of over-rating.

A. D. 1760.

Oath to be
taken by
inquirers.

XIV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, to wit; You, A B, C D and E F, do swear that the account you now give in is a just and true account of all the real estates, slaves, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael, and also of all the real estates, slaves, annuities and monies at interest, returned to you by the said inhabitants, which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge. So help you God.

Who are to
render an ac-
count of their
own estates.

XV. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid, to the said assessors and collectors, of their own real estates, slaves, annuities and monies at interest in this Province; and any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown the first Tuesday in February next, and there continue to sit until they have finished the calculation of the value of the estates in the said town, and within the limits as aforesaid, or to adjourn to any other place in the said town as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the first Tuesday in April next, and shall cause a duplicate thereof to be posted at the guard-house in Charlestown, in seven days after the said calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted; and the said assessors and all the other assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate thereof gratis: I, A B, do sincerely swear that I will indifferently, equally and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions to me given by this Act, and according to the best of my skill and knowledge. So help me God.

Assessment to
be posted at
the guard-
house, and
published in
the Gazette.

Assessor's
oath.

XVI. *And be it enacted*, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in April next, or within ten days next after at farthest; and the said assessors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, without any deduction for commissions, or any other pretence whatsoever.

Appropriation
of particular
sums.

XVII. *And be it enacted*, That the sum of eight hundred and eighty-nine pounds and nine shillings, appointed by the schedule to this Act annexed, to be paid by the inhabitants of the parishes of St. Philip and St. Michael, shall be added to the sum to be collected for the poor rates, and be raised, collected and levied by the same persons and in the same way and manner as the poor rates are raised, collected and levied on the inhabitants of, and others interested in the said parishes, and shall be by the said persons paid into the hands of the public treasurer.

Warrant to
issue against
defaulters.

XVIII. *And be it also enacted* by the authority aforesaid, That in case any person whoever shall neglect or refuse to pay in his, her or their tax at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days is fully elapsed, without favour or affection or further delay, levy

the same, by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus (if any there be) to the defaulter, after deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and convey him to the common goal in Charlestown; which warrant shall run in these words, *mutatis mutandis*, viz:

A. D. 1760.

If no distress
be found, the
body may be
taken in
custody.

"A B, C D, and E F, collectors of the general tax for the parish or precinct of —, in — county, to G H, constable of the parish or precinct of —, or to the provost marshal of the Province of South Carolina, or to his lawful deputy: Whereas, J K hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for — tax, for defraying the charges of the year ending the thirty-first day of December, one thousand seven hundred and fifty-nine, which — hath neglected to pay: these are therefore, in his Majesty's name, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said J K, the said sum of —, together with the charges thereof; and in case the said J K shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charge thereon, that then you take the body of the said J K, and — convey to the common goal in Charlestown; commanding you, the keeper of the said goal, to detain the body of the said J K in your custody until — shall pay the said sum of —, together with the charges of keeping and detaining as aforesaid, and for so doing this shall be your sufficient warrant. Given under our hands and seals this — day of —, Anno Domini —. A B, C D, E F."

Form of the
warrant.

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied. And the constable and constables to whom such warrant shall be directed shall take from the defaulter the following fees in the execution of their office, viz. for serving every execution, six shillings; and for every pound, to be levied as aforesaid, one shilling; and one shilling for every mile, to be computed from the dwelling-house of such constable or constables to the dwelling-house or place of residence of such defaulter, and no more or any other fee or fees whatsoever. And the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Fees of the
constables, &c.

XIX. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate, to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrants in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and shall be dealt with in all other respects as a defaulter.

Persons refusing to render an account, to be dealt with as defaulters.

XX. *And be it enacted*, That the public treasurer shall have full and ample power in all respects for collecting and getting in arrears of taxes,

A. D. 1760.

Arrears under
former laws.

which are or were due by any former law or Act of Assembly, and the same may be recovered by virtue of a warrant under the hand and seal of the public treasurer, directed to any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxable per-
sons dying.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said inquirers and collectors and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at shall come into the hands of his executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all mortgages, judgments and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrator; and if any person, between the time of rendering the account of his or her estate to the inquirers and collectors as aforesaid and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed.

All deeds made
to avoid this
Act, declared
fraudulent.

XXII. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any person whoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent and null and void, to all intents and purposes whatsoever.

Mortgaged
property.

XXIII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgager, provided that such estate shall be in the possession of the mortgagee.

Penalty for
neglect of
officers under
this Act.

XXIV. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, assessors, collectors, marshal, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of fifty pounds proclamation money to his Majesty, for the support of this Government, to be recovered in any court of record in this Province.

Officers dying.

XXV. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned shall happen to die, refuse to act, or depart this Province, before the powers and authorities hereby given them are executed, then his Honor the Lieutenant Governor, or the Commander-in-chief for the time being, is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him so dying, refusing to act or departing this Province; and the person and persons so appointed shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Execution to
issue against
all former
constables, &c.
for arrears.

XXVI. *And be it also enacted* by the authority aforesaid, That the public treasurer be and is hereby empowered and required to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or here-

after to grow due, when the time is or shall be elapsed for paying the same; and in case the public treasurer shall grant any execution or executions against any of the persons aforesaid, where there is nothing due, it shall and may be lawful to and for such person against whom such execution is wrongfully granted, to maintain an action at law against the treasurer, and recover his damages and full costs of suit.

A. D. 1766.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the surplus of taxes and balance in the funds aforesaid, shall be, and is hereby, obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificate shall be filled up, numbered and signed by the treasurer, and afterwards countersigned by Peter Taylor, William Wragg and Daniel Blake, Esqs., or any two of them; and they are hereby directed to keep an account in a book of such certificates as they shall respectively sign; provided, that such certificate shall not be for less than five pounds, nor more than fifty pounds; and the said certificates shall be received in all payments to the public treasury until the last Tuesday in May, one thousand seven hundred and sixty-one, and no longer; and the several collectors of the tax shall take and receive the said certificates in payment of taxes, for the sums therein mentioned, from all persons tendering the same; provided also, that the possessors of the said certificates shall carry the same to the public treasurer, to be exchanged on or before the first day of November, one thousand seven hundred and sixty-one; and in case any certificate shall be outstanding after that day, the public shall not be liable to make provision for the same.

The public treasurer to give certificates for sums from £5 to £50.

XXVIII. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer, provost marshal, constable or other person, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, he or they shall recover treble costs of suit.

General issue may be pleaded and this Act given in evidence.

XXIX. *And be it further enacted* by the authority aforesaid, That the said sum of one hundred and eighty-one thousand one hundred and ninety pounds seventeen shillings and six pence one farthing, shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise; that is to say:

Appropriation.

THE SCHEDULE,

TO WHICH THE ACT ANNEXED REFERS.

ALLOWANCES TO PUBLIC OFFICERS.

To his Excellency the late Governor,	£3500 00 00
To the Clerk of the Council,	300 00 00
To the Master in Chancery,	200 00 00
To the Messenger of the Council,	200 00 00
To the door-keeper of the Council,	200 00 00
To the Clerk of the Assembly,	600 00 00
To the Messengers of the Assembly, £200 each,	400 00 00
To the Commissary General,	400 00 00
To the clerk to the committee of correspondence,	50 00 00
To the clerk to the board of church commissioners,	30 00 00—£ 5980 00 00

A.D. 1760.

HOUSE RENT FOR THE PUBLIC SERVICE.

To his Excellency the late Governor, for rent of a house,	£700 00 00
To William Henderson, for a house for the free school in Charlestown,	250 00 00—£ 950 00 00

WRITING FOR THE PUBLIC SERVICE.

To the clerk of the Council, for copies of the Minutes of Council, entries in the Indian book, and copies of laws for the use of the Council,	1425 07 08
To the clerk of the Assembly, for copies of journals, drawing bills, &c.	2060 16 08
To John Murray, Esq. for fees due to the late Governor, £92 5s., and to the Secretary, £363 16s. 6d.	461 01 06
To Jacob Motta, Esq. public treasurer, for this service,	516 02 06—£ 4463 07 11

To be raised by particular laws appointing the same :

To the Public Treasurer, which he paid for sermons preached at March and October sessions,	30 00 00
To the Public Treasurer, advanced by him to pay the bounty upon flax and hemp,	589 12 01
For sinking one fifth part of the £160,000 orders, issued to raise and pay the South Carolina regiment,	32,000 00 00
To Adam Wood, Esq. late provost marshal, for serving writs of election, summoning jurors, and attending the courts,	150 00 00
To Clement Lampriere, annuity on the Militia Law,	90 00 00
To the Commissioners for the Streets in Charlestown, to be paid by the inhabitants of the said town,	500 00 00—£33,359 12 01

FOR THE FORTS.

To the gunner of Fort Johnson, at £18 per month,	216 00 00
To two quarter gunners, at £8 per month each,	192 00 00
Provisions to four men, at £25 per annum each,	100 00 00
To the gunner of Fort Moore, (if not belonging to the independent companies,) at £14 per month,	168 00 00
To the gunner of Charlestown,	225 00 00
To the gunner of Craven's bastion,	100 00 00
To the gunner of Bronghton's battery,	100 00 00
To Jane Duthy, for making a pendant for Fort Johnson,	7 00 00
To Smith & Brewton, for junk,	2 05 00
To Edward Lightwood, for the use of Granville's bastion,	17 13 01½
To William Banbury, for cannon shot and priming horns,	123 13 02
To Justinus Stoll, sundry articles for this use,	274 03 03
To Laurens, Motte & Company, articles in their account for this use,	133 17 04
To Robert Boyd, for freight of gun carriages in 1758 and 1759,	63 10 00
To the commissioners for the fortifications, to enable them to get carriages made for the guns and cohorn mortars, lately sent to this Province by his Majesty's order; and to secure such of the new works lately erected in Charlestown, as are most in danger of falling down; and for cleansing the moat before the curtain line,	3500 00 00
To defray the expence of repairing the commander of Fort Johnson's house,	160 00 00
For purchasing a large canoe for the use of Fort Johnson,	150 00 00—£5 533 01 10½

For the Garrisons of Fort Prince George and Fort Loudoun, in the Cherokees :

To Isaac Atwood, for the carriage of stores from Kewohsee to Fort Loudoun,	131 10 04
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A. D. 1780.

To John George Smithpeter, for the carriage of stores to Fort Prince George,	£429 08 00
To Richard Lambton, on an order of Thomas Foster, for two months service as Indian interpreter at Fort Prince George,	30 00 00
To John McQueen & Company, on sundry orders of the following persons, viz :	
Henry Lucas, for carriage of stores to Fort Loudoun,	£ 59 14 0
John Hatton, for the like service,	87 00 0
Cornelius Cokely, for the like service,	96 18 9
John Winborne, for the like service,	38 17 6
Isaac Atwood for the like service,	18 07 2
James Beamer, for the like service,	99 00 0
Thomas Smith, for service as gunsmith at Fort Loudoun,	129 00 0
	—————£528 17 05.
To Captain John Postell, for sundry articles for Fort Loudoun,	316 10 00
To Henry Lucas, for the carriage of flour to Fort Loudoun,	50 03 00
To Robert Goudy, for the carriage of stores to Fort Prince George,	350 00 00
To Robert Anderson, for the like service to Fort Loudoun,	64 17 00
To Laurens, Motte & Company, articles in their account for this use,	59 10 00
To Henry Lucas, for the carriage of gunpowder to Fort Loudoun,	31 06 09
To John Stephens Carpenter, three certificates, for nine months service at Fort Loudoun,	135 00 00
To William Shorey, Indian interpreter, four certificates, for 17 months service at Fort Loudoun,	255 00 00
To Thomas Smith, whitesmith, three certificates, for nine months service at Fort Loudoun,	120 00 00
To William Wilson, for the carriage of ammunition to Fort Loudoun,	9 14 06
To Da Costa & Farr, on an order of Thomas Foster, Indian interpreter, for eight months service at Fort Prince George,	120 00 00
To William Murray, for a medicine chest, for the use of Fort Prince George,	21 00 00
To Henry Gallman, on an order of John Conrade Geiger, for the carriage of stores to the Congress,	27 00 00
To Paul Townshend, on Samuel Thomas's order, for the carriage of stores to Kewohee,	63 03 00
To Henrietta Smith, on James Smith's order, for making platforms at Fort Prince George,	30 00 00
To Christian Redisperger, for waggon hire to the Congress,	60 00 00
To Henry Gallman, for the carriage of stores to Fort Prince George,	670 00 00
To John George Shindler, for waggon hire to the Congress,	32 00 00
To Cornelius Cokely, for the carriage of stores to Fort Loudoun,	133 17 00
To John Oyston, on James Beamer's order, for carriage of stores to Fort Prince George,	171 14 04
To Lieutenant Lachlan McIntosh, for an interpreter at Fort Prince George, £80, and for repairs to the said fort, £88 10s.	148 10 00
To the Commissary General, articles in his account, for this service,	607 06 00
To the Public Treasurer, advanced to pay for the carriage of provisions,	7,597 07 07—£12,283 14 08

FOR THE FORCES.

To John Remington, for pails,	131 00 00
To James Henderson, for candles,	305 08 06
To Ancrum, Lance & Loockock, for salt, pepper, &c.	112 17 06
To William Harvey, for Hay, in 1758,	126 06 00
To Archibald Withers, for carting fire wood, in 1757,	24 12 06

A. D. 1760.	To Lambert Lance, for rent of tenements, in 1757 and 1758,	£83 06 08
	To Laurens, Motte & Company, articles in their account for this use,	59 06 07
	To Robert Fairweather, for lodgings for officers of the Royal American and Highland battalions, in 1757,	97 15 00
	To Thomas Lining, for the like service, in 1757 and 1758,	125 00 00
	To Thomas Wright, Esq., articles in his accounts, for this use,	184 15 01
	To Joseph Moody, for candles,	16 10 00
	To Benjamin Haskins, for ferriage and hire of horses for the buffa,	9 09 04
	To John Gordon, three accounts for house rent and lodgings for officers of the Highland battalion, in 1757 and 1758, and vinegar for the buffa,	346 06 06
	To Harvey & Philp, for picking axes for the buffa,	9 00 00
	To James Rowlain, for firewood,	5 00 00
	To Nathaniel Broughton, for firewood,	1 07 06
	To John Howell, for candles,	30 15 00
	To Captain John Fairchild and the company of rangers who were under his command, to be paid as the muster roll of the said company was settled by a committee of the Assembly,	1119 11 00
	To Captain John Grinnan and the rangers who were under his command, (to be paid in like manner with Captain Fairchild's company,)	885 15 04
	To William Harvey, of Beaufort, for firewood for the buffa,	60 00 00
	To the church-wardens of St. Philip's, (two accounts,) for supplies to soldiers' wives and children,	1406 19 03½
	To the Commissary General, (articles in his account,) for this service,	792 03 00
	To Dr. James Thomson, for attendance on the garrison at fort Lyttelton,	78 15 00
	To John Marley, for firewood and carting,	537 00 00
	To the Commissary General, for his extraordinary services with the Royal American and Highland battalions, and the Carolina Regiment,	700 00 00—£7258 15 09½

FOR THE SCOUT BOATS.

To two commanders, at £25 per month each,	600 00 00
To 24 men, at £12 per month each,	3456 00 00
To pay for provisions for 26 men, at £28 per annum each,	728 00 00
To Smith & Brewton, for ship bread,	186 01 00
To John Ambrister, for ship bread,	184 01 00
To pay two additional men, omitted in last schedule, at £12 per month each,	288 00 00
To pay for provisions for the said two additional men, at £28 per annum each,	56 00 00—£ 5498 02 00

FOR LOOKOUTS.

Eight Look-outs, each consisting of three men, at £12 per month each man,	£ 3456 00 00
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FOR THE PUBLIC ARMS.

To John Milner, gunsmith, for mending and keeping them clean,	521 02 03
To Christian Kohler, for carting warlike stores to the armory,	38 17 06—£ 559 19 09

PAROCHIAL CHARGES.

To the church-wardens of St. James Goose Creek, for repairs to the church,	374 13 04
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FOR CORONER'S INQUESTS.

To Thomas Yeomans, Esq. coroner of Berkley county, for several returned into the crown office,	200 00 00
To William Beasley, constable, for summoning jurors,	4 00 00—£ 204 00 00

FOR CRIMINALS.

A. D. 1760.

To the Chief Justice, fees on prosecuting them,	£ 63 05 08
To the Clerk of the Crown, do.	59 05 00
To the Attorney General, do.	677 07 06
To Adam Wood, Esq. late Provost Marshal, for their subsistence in goal,	751 03 00
To William Bonneau, constable, for conveying one to goal,	3 16 03
To John Swint, for attending sick criminals,	86 05 00
To John Grinnan, for apprehending John Roberts, for the murder of George Whitecotton, agreeably to his Excellency's Proclamation,	200 00 00
To the Public Treasurer, paid a constable, for conveying a malefactor to goal,	19 06 03—£ 1860 08 08

FOR CRIMINAL SLAVES.

To Martha Logan, for slaves executed,	160 00 00
To Ann Clark, ditto,	40 00 00
To Margaret Handlin, ditto,	200 00 00
To William Raven, ditto,	600 00 00
To John Pamor, ditto,	100 00 00
To Padden Pond, ditto,	100 00 00
To Thomas Bradwell, ditto,	100 00 00
To Thomas Shoemaker, ditto,	100 00 00
To Archibald Stanyarne, ditto,	100 00 00
To Elizabeth Snipes, ditto,	100 00 00
To John Hamilton, ditto,	200 00 00
To Thomas Shoemaker, for a slave that was killed in apprehending a fugitive slave,	200 00 00
To Constables for fees on the trials of slaves, viz :	
James Cooper,	10 03 09
Israel Syers,	13 02 06
William Bonneau,	19 06 03
Day, Beasilea & Viart,	22 17 06
Day & Beasilea,	11 00 00
George Day,	30 12 06
Martin Howard,	7 00 00
Hugh Crawford,	14 17 06
Isaac Rambert, (four accounts,)	52 11 09
Jacob Ladson,	6 00 00
John Kesson, (four accounts,)	66 00 00
William Osborne,	21 16 03
To Archibald and Richard Park Stobo, on an order of John Marion, constable, for the like service,	10 02 06
To William Beasley, for the hire of a cart and two horses four days, to carry criminal slaves to be tried,	6 00 00
To the warden of the work house, for keeping criminal slaves in custody, (two accounts,)	41 07 06
To William Hall, for making a gallows and gibbet,	10 00 00
To David Reynold, for making iron gibbets,	25 00 00
To the Public Treasurer, paid several constables, for apprehending and conveying several criminal slaves to goal,	124 10 00
To a negro man named Maurice, belonging to the estate of Henry Isard, Esq. deceased, a reward for apprehending a murderer,	25 00 00
To Frank and Tom, belonging to Miss Ann Blake, for apprehending a negro criminal, £10 each,	20 00 00—£2537 18 00

INDIAN EXPENCES.

To the Commissioner for Indian Affairs,	100 00 00
To Mackcarton & Campbell, for presents,	551 15 08

A. D. 1760.	To Tew & Bury, for making clothes,	£ 23 05 00
	To George Galphin, for the carriage of presents to the Creeks,	810 00 00
	To John Dodd, gunsmith, for mending guns,	72 15 00
	To Jerome Courtonne, (two accounts) for the carriage of presents to the Chickasaws,	2360 00 00
	To Smith & Brewton, for presents,	133 08 03
	To John McQueen & Company, for presents,	1900 02 09
	To Ancrum, Lance & Loockock, for presents,	9 05 00
	To Laurens, Motte & Company, for presents,	202 00 00
	To Thomas Wright, Esq. (articles in two accounts,) for presents,	508 02 06
	To John McQueen & Company, on Lachlan McIntosh's order, for carriage of presents to the Creeks,	144 00 00
	To Mary Wood, (to be paid when her account is attested,) for entertaining Indians,	18 00 00
	To Christopher Rowe, (three accounts to be paid when attested,) for the like service,	48 10 00
	To Judith Postell, for the like service,	15 00 00
	To Sarah Nightingale, for the like service,	444 04 03
	To Henry Gallman, for the like service,	86 00 00
	To William Young, for the like service,	18 12 06
	To Claudius Richburg, for the like service,	20 05 00
	To James M'Kelvey, for the like service,	19 17 06
	To Peter Witten, for like service,	52 13 09
	To Robert Goudey, (three accounts to be paid when attested,) for the like service,	60 15 00
	To John M'Queen and Company, (two accounts assigned to them by Robert Goudy, to be paid when the accounts are attested,) for the like service,	36 05 00
	To John Kesson, for the like service,	46 00 00
	To Francis James, for the like service,	7 10 00
	To Conrade Holman, (three accounts,) for the like service,	51 15 00
	To George Rogers, (two accounts,) for the like service,	26 05 00
	To Andrew Shipe, (two accounts,) for like service,	36 15 00
	To Henry Gallman, (a second account,) for the like service,	17 05 00
	To Gavon Pou, for the like service,	49 00 00
	To the estate of John Izard, deceased, for the like service,	3 12 06
	To Samuel Thomas, for the carriage of presents to Kewohee,	20 00 00
	To John Kitt, Indian Interpreter, for six days attendance on the Creeks in Charlestown,	30 00 00
	To John Ambrister, for bread for the Cherokees,	11 00 00
	To Justinus Stoll, for articles supplied Governor Glenn when he went to build a Fort in the Cherokees, in 1756,	102 15 06
	To Colonel Richard Richardson, for entertaining Indians,	63 07 06
	To the Commissary General, for the like service,	1471 11 00
	To Thomas Nightingale, for the like service,	333 10 00
	To John Fairchild, for the like service,	47 12 06
	To Lieutenant White Outerbridge, (omitted in the schedule to the last tax law,) for the like service,	20 11 03
	To Ancrum, Lance and Loockock, on Daniel Mathews' order for entertaining Indians,	26 05 00—£ 9,999 12 05

FOR PRISONERS OF WAR AND FRENCH ACADIANS.

To Elias Legardere, for the board of a French prisoner,	3 15 00
To Margaret Olivere, for dieting a prisoner at the barracks,	40 06 03
To the Church Wardens of St. Philip, Charlestown, two accounts, for supplies to the Acadians, one amounting to £854 4s. 2d., and the other to £158 17s. 6d.,	1013 01 06
To John Bull, Esq. for subsisting Acadians sent to Prince William's parish in 1757,	154 00 00
To the Commissary General, for French prisoners,	94 07 06

A. D. 1760.

To the Public Treasurer, which he paid for the passages of two prisoners to England,	£ 100 00 00
To Messieurs. Gabriel Manigault, Samuel Brailsford, James Laurens, John Savage, Edward Neufville and Hopkin Price, advanced by them for subsisting a number of Acadians,	2613 17 04
To Judith Postell, for French prisoners,	32 12 06

EXTRAORDINARY CHARGES.

To Smith & Brewton, for taffety for the use of the Council Chamber,	30 18 09
To William Hall, for repairs to the Guard House,	248 15 00
To John Lingard, for iron ware for the Guard House,	44 14 06
To Carne & Wilson, for paint for the Guard House,	25 04 00
To Frederick Strubell, for bricklayers work and slating the Guard House,	510 00 00
To the estate of Michael Jeane, deceased, for glazing the Guard House,	14 09 04½
To Thomas Plunket, for candles for the militia when upon guard in Charlestown,	30 10 00
To Jonathan Scott, for fire-wood for the same use,	3 00 00
To Benjamin Harvey, for the use of the Council Chamber,	17 00 07½
To Mary Harvey, house-keeper of the State House,	100 00 00
To Elias Legardere, for wharfage of gun powder,	3 12 06
To Jonathan Badger, for the use of the Assembly Room,	51 00 00
The following sums (amounting to £ 389 9s.) to be paid by the inhabitants of the parishes of St. Philip and St. Michael.	
To fire-masters in Charlestown for the use of the engines, and for pumps and buckets, viz :	
Bernard Beckman,	£ 154 06 06
George Sheed,	48 10 00
Richard Muncrief,	66 16 00
James Verre,	70 02 06
To the commissioners for the road upon Charlestown Neck to keep the said road in repair,	50 00 00—£389 09 00
To the Public Treasurer, which he advanced for extraordinary services,	250 05 00
To the Commissioners for building the State House, to discharge debts contracted by them,	3886 14 10
To the Public Treasurer, advanced for contingent services,	1210 00 00
To supply last year's deficiency of the general duty fund,	1683 04 03
To the Public Treasurer, which he paid more than was provided for finishing Fort Loudoun and paying the provincials garrisoned at the said Fort, and for six months provisions for the said provincials,	865 12 06
To the negro Sampson, annuity for discovering a cure for the bites of Rattle Snakes,	50 00 00
To the Treasurer, for an appropriation order cancelled,	5 00 00
To Thomas Melchamp, a reward for discovering a method of making and refining Indigo, (to be paid upon his publishing the whole process, upon oath, in the Gazette.)	1000 00 00—£10,419 10 06
Toward defraying the contingent charges of the current year,	2500 00 00
For sinking part of the orders to be issued for paying the charges of the late expedition against the Cherokee Indians, and other expences since incurred by prosecuting the war with the said Indians,	70,000 00 00
	£ 181,190 17 06½

B. SMITH, *Speaker*.*In the Council Chamber, the 31st day of July, 1760.**Assented to :* WILLIAM BULL.

A. D. 1760.

No. 899. AN ACT GRANTING TO HIS MAJESTY AN AID OF ONE HUNDRED AND TWENTY-FIVE THOUSAND POUNDS, CURRENT MONEY, AND APPLYING OTHER MONEY THEREIN MENTIONED TO REPAY THE EXPENCE OF RAISING, PAYING AND CLOTHING, FOR SIX MONTHS, A REGIMENT, TO CONSIST OF TEN COMPANIES OF SOLDIERS, EACH TO BE COMPOSED OF ONE HUNDRED MEN, BESIDES OFFICERS, TO BE EMPLOYED IN THE SERVICE OF THIS GOVERNMENT IN PROSECUTING THE WAR AGAINST THE CHEROKEE INDIANS AND THEIR ABETTORS, AND FOR STAMPING ORDERS FOR THE MORE EXPEDITIOUS ISSUING OF THE SAID SUM, AND FOR PROVIDING A FUND TO CALL IN AND SINK THE SAID ORDERS WITHIN THE TIME THEREIN LIMITED.

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of this Province, considering the present unhappy state of the Province, and the imminent danger to which the same is daily exposed, from the frequent incursions, attacks and murders made upon your Majesty's subjects within the same by the Cherokee Indians and their abettors, and considering the many large sums of money lately granted by this Province for preventing such injuries and cruelties, which have hitherto proved ineffectual; and being desirous to grant your Majesty as large an aid as the present circumstances of our constituents will afford, in order to raise men to act in the service of your Majesty's Province for prosecuting the war against the said Cherokees and their abettors, in such manner as your Majesty's service may require, have cheerfully given and granted unto your most sacred Majesty an aid or sum of one hundred and twenty-five thousand pounds current money of South Carolina, to be raised, levied, issued and applied in the manner and to the uses hereinafter mentioned, limited and appointed; and we therefore humbly pray your most sacred Majesty that it may be enacted,

The sum of
£125,000
currency
granted in aid.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a tax or sum of one hundred and twenty-five thousand pounds current money, shall be, and is hereby imposed and laid upon the inhabitants of and others interested in this Province, which sum shall be raised, levied and collected in such manner and proportions and at such times as hereinafter is directed and provided, and shall be, and is hereby granted as an aid to his Majesty, for the uses and purposes hereinafter mentioned and appointed.

A regiment of
1000 men, with
officers, to be
raised and em-
ployed against
the Indians.

II. *And be it also enacted* by the authority aforesaid, That the regiment intended to be raised and levied by this Act, and to be in the pay and establishment of this Government, for the term of six months, shall consist of ten companies of one hundred men each, besides officers, and shall be employed wholly in the service of this Government in prosecuting the war against the said Cherokee Indians and their abettors, and in doing such other duty and service as his honor the Lieutenant Governour or the Commander-in-chief for the time being shall think requisite for the defence of this Province.

Assignment of
pay.

III. *And be it enacted*, That out of the sum granted to his Majesty by this Act, there shall be satisfied and paid to the officers and soldiers of the said regiment six months pay, at the rates following, that is to say; to the

colonel, five pounds twelve shillings currency, per day; to the lieutenant colonel, four pounds eighteen shillings currency, per day; to the major, four pounds four shillings currency, per day; to seven captains, two pounds sixteen shillings currency, per day, each; to twenty lieutenants, one pound eight shillings currency, per day, each; to ten ensigns, one pound two shillings and two pence, per day, each; to the adjutant, one pound two shillings and two pence, per day; to the quarter-master, one pound two shillings and two pence, per day; to the paymaster, three pounds ten shillings, per day, who shall personally attend his duty and pay the private men as well as the officers, every week; to forty sergeants, ten shillings per day, each; to forty corporals, eight shillings and nine pence, per day, each; to twenty drummers, eight shillings and nine pence, per day, each; to one thousand private men, seven shillings and six pence currency, each, per day; to the surgeon, two pounds two shillings currency, per day; to two surgeon's mates, one pound two shillings and two pence currency, each, per day; and for a medicine chest, three hundred pounds.

A. D. 1760.

IV. *And be it also enacted* by the authority aforesaid, That the pay of the officers to be commissioned by his honor the Lieutenant Governor for the said regiment, shall commence from the respective dates of their commissions; and that the pay of all non-commission officers and the private men shall commence from the days of their respective enlistments; and as an encouragement for fit and able bodied men speedily to enter and enlist in the said regiment, each private man that shall enter and enlist in the same, shall, at the time of his so entering and enlisting in the said regiment, be paid out of the monies granted to his Majesty by this Act, clear of all deductions, the sum of twenty-five pounds currency, in hand, as a bounty, and the further sum of ten pounds like current money, with uniform clothing to the value of fifteen pounds at the end or expiration of one month's faithful service as a soldier in the regiment aforesaid, as a further bounty for his so having entered and enlisted in the said regiment for the service of this Province.

V. *And be it further enacted*, That such part of the three Provincial companies as are now in the pay of this Province, are hereby declared to be, and shall be considered as part of the said regiment of one thousand men, and subject to the penalties and intitled to the benefits of this Act in every respect with those that are now intended to be raised, excepting only as to the bounty hereinbefore given for enlisting in the said regiment.

VI. *And be it likewise enacted*, That the money already provided by the General Assembly for the pay of the said three companies, and such men as were raised in consequence of a resolution entered into by the Commons House of Assembly, the twelfth day of February last, and now lying in the hands of the public treasurer for those services, shall, immediately after the passing of this Act, be appropriated and applied to the payment of the said regiment; any law to the contrary thereof notwithstanding.

VII. *And be it enacted* by the authority aforesaid, That his honor the Lieutenant Governor or the Commander-in-chief for the time being, may grant his commission, directed to any field officer of the said regiment, for holding a general court martial, pursuant to the direction of the present mutiny Act of Great Britain; and also that the private men of the said regiment shall be enlisted in the same way and manner as the soldiers in the King's pay are enlisted; and that the said regiment, as well officers as private men, shall be, and they and each and every of them, are hereby, subjected and made liable to the same discipline and military duty as the forces in his Majesty's pay are subjected and made liable unto by the Acts

A. D. 1760.

of the British Parliament, made for those purposes and now in force, and shall be tried and punished for offences in the same way and manner as the officers and soldiers in his Majesty's pay are tried and punished for offences committed by them; and they and each and every of them shall be intitled to the same privileges and protection as the officers and soldiers in his Majesty's pay are intitled unto; provided, that none of the private men of the said regiment shall be obliged to continue in the said service after the expiration of twelve months from the time of passing this Act; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Commissioners appointed to issue money bills or orders.

VIII. And forasmuch as the present circumstances of the inhabitants of this Province cannot bear the raising of the sum granted to his Majesty by this Act, so speedily as the exigency of the service requires, *Be it therefore enacted* by the authority aforesaid, That Christopher Gadsden, Richard Beresford, David Graeme, Henry Laurens, William Drayton and John M'Queen, Esquires, or any four of them, shall be, and they are hereby appointed commissioners for the stamping, signing and making public orders; and it shall and may be lawful for the said commissioners, and they or any four of them, are hereby required, with all convenient speed, to procure six thousand two hundred and fifty orders of the denomination of twenty pounds, to be stamped, which orders, with such signatures and devices as the said commissioners shall think fit, shall be in the words following, that is to say:

"SOUTH CAROLINA.

(No. ———.)

"This order intitles the bearer to a credit equal to twenty pounds in the current money of this Province, and shall be received by the public treasurer in payment of all taxes and duties whatsoever, until the last day of November, one thousand seven hundred and sixty-six, and no longer. Dated, the ——— day of ———, in the year of our Lord one thousand seven hundred and sixty, and in the thirty-fourth year of his Majesty's reign."

IX. *And be it also enacted* by the authority aforesaid, That when the said orders shall be so stamped and prepared, they shall be regularly numbered and signed by the said commissioners, with their names subscribed thereunto, and then delivered into the hands of the public treasurer for the time being.

Disposal of these money bills.

X. *And be it also enacted* by the authority aforesaid, That the said treasurer shall pay to the paymaster of the said regiment every week, the pay due to the officers and private men of the said regiment, according to the muster rolls to him to be returned by the said paymaster, upon the oath of the captains respectively and one of the lieutenants, or the ensign of the respective company for which such muster roll is returned; and the public treasurer shall be allowed ten shillings on every hundred pounds, for his trouble in receiving and paying the said orders away.

To pass in payment until the last of November, 1766.

XI. *And be it enacted* by the authority aforesaid, That the said orders shall pass in all payments to the public treasury, for the value thereof, until the last day of November, one thousand seven hundred and sixty-six, but no longer.

Their sole and exclusive application.

XII. *And be it also enacted* by the authority aforesaid, That the said orders shall be applied solely to defray the expence of raising, clothing and paying the said regiment, at the rates and in the manner above mentioned, and to no other use, intent or purpose whatsoever; and shall be called in and sunk within the term of five years from the time of passing this Act, one-fifth part thereof in every year, by general taxes, to be annually levied on the estates, real and personal, of the inhabitants of and others interested in this Province; that is to say, the sum

of twenty-five thousand pounds for sinking one-fifth part of the said orders, shall be inserted in the schedules annexed to the tax laws that shall be made for defraying the charges of this Government, for the several and respective years of our Lord one thousand seven hundred and sixty-one, one thousand seven hundred and sixty-two, one thousand seven hundred and sixty-three, one thousand seven hundred and sixty-four, and one thousand seven hundred and sixty-five.

A. D. 1760.

XIII. *And be it also enacted* by the authority aforesaid, That in case a tax law should not be passed.

Provision in case a tax law should not be passed.

shall be raised, levied and paid for such year or years, out of the estates, real and personal, of the inhabitants of and others interested in this Province, in such proportion and manner, and under such restrictions and limitations, and at such time and times in each year, as shall be directed and provided by an ordinance or resolution of the General Assembly; and shall be inquired of, assessed and collected by such inquirers, assessors and collectors as shall be nominated and appointed for those purposes by such ordinance or resolution; but should it so happen, that no such ordinance or resolution shall be made, then the inquirers, assessors and collectors of the last preceding tax shall assess, levy and collect the said sum of twenty-five thousand pounds; and in all such cases the annual rate or rates of all the slaves in this Province shall be five shillings per head; and of all lands without the limits of Charlestown, five shillings per hundred acres; and the sum of two shillings and six pence per centum on the value of all town lots, wharfs and buildings and other lands within the limits of any town, village or borough in this Province, the bounds of Charlestown to extend as far as the new fortifications from Ashley river to Cooper river; and the sum of two shillings and six pence on every hundred pounds, owing to any person on bond or other specialty or note of hand, bearing or including interest, over and above what they pay interest for; and the sum of two shillings and six pence per centum on every person's stock in trade, that is to say, wares, merchandize and book debts of persons in trade, shop-keepers and others; and the like sum of two shillings and six pence per centum on all faculties, professions, (the clergy excepted,) factorage and handicraft trades, throughout the Province; which said sum of twenty-five thousand pounds shall be annually applied for calling in and exchanging the said public orders; and the said orders, from time to time, as the same shall come into the treasury, shall be cancelled and destroyed in the presence of such members of the council, with such committee of the Assembly, as shall be appointed for that purpose.

Rate of taxation.

XIV. And for the better obviating any frauds or abuses that may be practiced in the discharging of soldiers, *It is further enacted* by the the authority aforesaid, That no private man who shall be duly entered or inlisted into the said regiment, shall be discharged from the said service without the consent of the colonel, or, in his absence, the field officer commanding the said regiment, first had and obtained in writing, under hand and seal for that purpose, nor without returning such bounty money as he shall have received, in which writing the cause of his discharge shall be expressed, and a copy of such discharge forthwith transmitted to the Lieutenant Governor or Commander-in-chief for the time being; and any officer that shall presume to discharge any soldier in any other manner, shall for such offence be cashiered; and every soldier duly entered and inlisted, who, under colour or pretence of a discharge

Soldiers not to be discharged without consent of the colonel or field officer.

A. D. 1761.

from any officer (other than as aforesaid,) shall quit the said service, shall be reputed and punished as a deserter.

Counterfeiting
public orders
or money bills
made felony.

XV. *And be it also enacted* by the authority aforesaid, That any person or persons who shall counterfeit, raze or alter any of the public orders issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, razed or altered; and every person and persons who shall assist, abet or procure the counterfeiting, razing or altering such orders, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons without the benefit of the clergy.

B. SMITH, *Speaker*.

In the Council Chamber, the 20th day of August, 1760.

Assented to: WILLIAM BULL.

No. 900. *AN ORDINANCE* TO AUTHORIZE THE IMPRESSING, REGULATING THE HIRE, AND ASCERTAINING THE VALUE OF WAGGONS, CARTS, HORSES AND DRIVERS, TO BE EMPLOYED IN HIS MAJESTY'S SERVICE.

Preamble.

WHEREAS, his Majesty's service and the security of this Province require the march of a number of regular forces, sent to our assistance by his Excellency General Amherst, to prosecute the war against and punish the Cherokee Indians for the many murders committed by them upon his Majesty's subjects, which service will be greatly retarded if power is not given to procure a sufficient supply of waggons, carts, horses and drivers, to be employed in carrying provisions and other necessaries for that purpose; and that no exorbitant demands may be made by the owners thereof, but that a just and reasonable rate may be fixed, whereby they may be induced the more readily to contribute their utmost toward forwarding the present necessary service,

Warrants may
be issued to
impress wag-
gons, &c.

I. *Be it ordained*, by the Honorable William Bull, Esq., Lieutenant Governor, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander-in-chief of this Province for the time being, to issue a warrant or warrants to any field officer of his Majesty's regular forces that now are or shall be engaged in the service of this Province, or to the commissary general of this Province, empowering him or them, by writing under his or their hand, to give orders to such persons as he or they shall appoint, to impress so many waggons, carts, horses and drivers, as by such order shall be directed. And the persons from whom any waggons, carts, horses or drivers shall be impressed as aforesaid, shall be entitled to and receive accordingly, either weekly, monthly, or at the expiration of their said service, at their option, from the Commander-in-chief of his Majesty's forces, employed in the said service, the sum of four pounds ten shillings current money, by the day, for every waggon with five horses and a driver, capable of carrying twenty hundred weight, and a greater weight no waggon shall be liable to carry, (the said driver receiving his own subsistence from his Majesty, but maintaining his horses himself); and every cart shall be paid for in the same manner, in proportion to the weight they shall respectively be capable of

Remuneration
to be paid.

carrying; the said daily pay to commence from the time of impress, and to be continued until the said waggons, carts horses and drivers shall or might return to the place from whence the same were taken. A.D. 1761.

II. *And be it further ordained*, That every waggon, cart and horse shall be valued and appraised upon oath by two indifferent persons, one to be chosen on the behalf of his Majesty, and one on the part of the owner, before the same shall be employed as aforesaid; and if the said persons shall differ in judgment as to the value, they shall fix upon a third person to join them, by the majority of whom the value shall be ascertained; which oath the person producing such order is hereby authorized and empowered to administer, and who shall give a certificate of such appraised value to the said owner. And in case the said waggons or carts shall be destroyed or taken, or the said horses be killed or taken by the enemy, the said appraised value shall be paid to the respective owner thereof, by the Commander-in-chief of his Majesty's forces employed in the said service. Waggons, carts, &c. to be appraised on oath.

III. *And be it further ordained*, That this ordinance shall be and continue in force till the first day of January next, and no longer. Limitation of this ordinance.

In the Commons House of Assembly, the 24th day of January, 1761.

By order of the House.

B. SMITH, *Speaker.*

In the Upper House of Assembly, the 24th day of January, 1761.

By order of the House.

OTHNIEL BEALE.

In the Council Chamber, the 24th day of January, 1761.

Assented to: WILLIAM BULL.

AN ACT FOR THE CONTINUING, MEETING AND SITTING OF THE GENERAL No. 901.

ASSEMBLY OF THIS PROVINCE, IN CASE OF THE DEMISE OF HIS MAJESTY, HIS HEIRS AND SUCCESSORS.

WHEREAS, this Province may be exposed to great dangers, at the time when it shall please God to afflict us by the death of our most gracious sovereign, King George the Third, (whom God long preserve,) or by the death of any of his heirs and successors, before a General Assembly can be summoned and called; for prevention thereof,

I. *Be it enacted* by the Honorable William Bull, Esq., Lieutenant Governor, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly, and by the authority of the same, That this General Assembly, or any other General Assembly which shall hereafter be summoned and called, shall not determine or be dissolved by the death or demise of his Majesty, his heirs and successors; but such General Assembly is hereby enacted to continue, and is hereby empowered to meet, convene and sit, and to act, notwithstanding such death or demise, for and during the term of six months after due notification thereof given, and no longer, unless the same shall be sooner dissolved by the Governor or Commander-in-chief for the time being.

II. *And it is hereby further enacted* by the authority aforesaid, That in case there shall be no General Assembly in being when notice shall be received of the death or demise of his Majesty, or any of his heirs and

A. D. 1761. successors, and no writs shall have been issued out for the calling of a new Assembly, then the last preceding General Assembly may be convened and sit, and is hereby impowered to act as aforesaid, to all intents and purposes, as if the said General Assembly had never been dissolved.

III. *Provided always, and it is hereby declared,* That nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the Governor or Commander-in-chief to prorogue or dissolve General Assemblies, nor to repeal or make void an Act of Assembly made in the eighth year of his late Majesty King George the First, entitled "An Act to ascertain the manner and form of electing Members to represent the inhabitants of this Province in the Commons House of Assembly;" but that so much of the said Act as is not already repealed shall continue in force, in every thing that is not contrary to, or inconsistent with, the directions of this Act.

B. SMITH, *Speaker.*

In the Council Chamber, the second day of June, 1761.

Assented to: WM. BULL.

No. 902. *AN ACT* FOR IMPOSING AND CONTINUING AN ADDITIONAL DUTY ON ALL WINES, RUM, BISCUIT AND FLOUR, TO BE HEREAFTER IMPORTED, DURING THE TERM THEREIN MENTIONED; AND FOR APPLYING PART OF THE SAID DUTYS TO THE PAYMENT OF THE SOUTH CAROLINA REGIMENT.

Preamble.

WHEREAS, by an Act of the General Assembly, passed the sixth day of July, in the year of our Lord one thousand seven hundred and fifty-seven, an additional duty was imposed and laid on all wines, rum, biscuit and flour, to be thereafter imported, over and above the duties imposed on such commodities by the general duty laws, until the sum of forty-four thousand and three hundred pounds, in the said Act mentioned, should be raised thereby, which sum hath been accordingly raised; but forasmuch as the exigencies of Government, in this time of war, make it necessary that the said additional duties should be continued; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted,* by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, an additional duty shall be, and is hereby, imposed and laid, and shall be paid, on all wines, rum biscuit and flour, to be hereafter imported, over and above the duties imposed on the said commodities by the general duty law; that is to say, on every pipe of wine, four pounds ten shillings, and so in proportion for a greater or lesser quantity; on every gallon of rum, nine pence; on every hundred pounds weight of white biscuit, made in the Plantations, three shillings and nine pence; on every hundred pounds of middling biscuit, made as aforesaid, two shillings and six pence; on every hundred pounds weight of brown or ship biscuit, made as aforesaid, one shilling and eight pence; and on every hundred pounds weight of flour, of the produce of the Plantations, two shillings and six pence; in the current money of this Province. *Provided,* that

the same abatement be made for drawback, wastage, or leakage, as is directed and appointed by the general duty law. Which additional duty shall be paid for and during the term of five years from the time of the passing of this Act, and no longer.

A. D. 1761.

II. *And be it further enacted* by the authority aforesaid, That the sum of twenty-three thousand four hundred and sixty-eight pounds four shillings and two pence, currency, part of the money raised by virtue of this Act, shall be applied to the payment of the South Carolina Regiment; and that the surplus of the said additional duties shall remain in the hands of the public treasurer, to be applied in such manner and to such purposes as the General Assembly of this Province shall direct and appoint.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the second day of June, 1761.

Assented to: WILLIAM BULL.

AN ACT FOR REVIVING AND CONTINUING PART OF AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, ENTITLED "*An Act for laying Buys and erecting and supporting Beacons or Land Marks near the Bar of the harbour of Georgetown Winyaw, and for building and repairing one or more Boat or Boats to attend the Bar of the said harbour, and for the better settling and regulating the pilotage of the said harbour, and for obliging such vessels as go to the said port of Georgetown, to pay powder duty,*" AND FOR APPROPRIATING THE DUTIES ON ALL GOODS, WARES AND MERCHANDIZES IMPORTED AND EXPORTED INTO OR OUT OF THE PORT OF GEORGETOWN WINYAW, SINCE THE EXPIRATION OF THE SAID ACT, TO AND FOR THE PURPOSES THEREIN MENTIONED. No. 903.

WHEREAS, an Act of the General Assembly of this Province, entitled "*An Act for laying buoys and erecting and supporting beacons or land marks near the bar of the harbour of Georgetown Winyaw, and for building and repairing one or more pilot boat or boats, to attend the bar of the said harbour, and for the better settling and regulating the pilotage of the said harbour, and for obliging such vessels as go to the said port of Georgetown, to pay powder duty,*" lately expired; and whereas, the inhabitants of the parishes of Prince George and Prince Frederick, by their humble petition to the Commons House of Assembly, setting forth that the good ends and purposes intended by the said Act were not fully attained and answered before the expiration thereof, and that the revival and continuance of the same will be productive of many great advantages, particularly to the navigation of the said port, pray that the said Act may accordingly be revived and continued for some convenient time, and that the duties on goods imported into and exported out of the said port since the expiration of the said Act, may be appropriated in like manner as such duties were by the said Act appropriated; we therefore humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by

A.D. 1761. the authority of the same, That the said Act hereinbefore mentioned, and all and every clause, matter and thing whatsoever therein contained, shall from henceforth stand and be, and it is hereby revived, except that part thereof which impowers the commissioners to rate and assess a sum not exceeding one thousand pounds current money per annum, on the inhabitants of the said parishes, and that the same shall remain and continue in full force for the space of five years next ensuing, and no longer.

II. *And be it also enacted*, That all and singular the monies already paid, and that shall be hereafter paid to the receiver for the time being, of the said port of Georgetown Winyaw, for duties on goods, wares and merchandizes imported therein and exported therefrom since the expiration of the said term and before the passing of this Act, shall be by him paid and applied in such manner, and to and for the several uses and purposes in and to and for which the like duties were severally and respectively appropriated in and by the said Act.

BENJAMIN SMITH, *Speaker*.

In the Council Chamber, the 25th day of July, 1761.

Assented to : WM. BULL.

No. 904. *AN ACT* ENABLING THE RECTOR AND CHURCH-WARDENS OF ST. BARTHOLOMEW'S PARISH TO SELL AND CONVEY THE OLD GLEBE LAND AT CHEHAW, IN THE SAID PARISH, AND WITH THE MONEY TO ARISE FROM THE SALE THEREOF, TO PURCHASE SLAVES; AND FOR VESTING SUCH SLAVES, WITH THEIR FUTURE ISSUE AND INCREASE, IN THE PRESENT RECTOR OR MINISTER AND HIS SUCCESSORS IN THE SAID PARISH:

Preamble.

WHEREAS, the rector, church-wardens and vestrymen of St. Bartholomew's parish, by their humble petition to the General Assembly, have set forth that by deed poll, bearing date the tenth day of May, in the year of our Lord one thousand seven hundred and thirteen, Thomas Townsend did convey unto John Woodward and his assigns forever, all that plantation or tract of five hundred acres of land situated at Chehaw, with the appurtenances in trust, and for the use of the said parish and the rector or parson thereof; that in the year of our Lord one thousand seven hundred and fifteen, by the calamities of the then Indian war, the said parish was abandoned by the inhabitants; and that several years after, when the said parish was resettling, the people made choice to settle near and adjoining to Pon Pon river and the westward parts of the parish, and that by the assistance of the inhabitants, other well disposed persons and the public, a chappel was built, a glebe purchased and a parsonage house erected near Pon Pon, as most convenient for the inhabitants and the residence of the rector, for which reasons the glebe at Chehaw becomes useless to the parish, and prayed that a law may be made for the sale of the said glebe at Chehaw, and to permit the monies thence arising to be laid out in slaves for the use of the rector or parson of the said parish; and whereas, the said land lyeth waste, and by reason of the poverty and barrenness of the soil, will not answer the charge and expences of any buildings to be put thereon; and whereas, the intent of the said Thomas Townsend, as the land is situated, is wholly defeated, but the same may be answered in part if the prayer of the said petition be granted; wherefore, we most humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the said five hundred acres of land, with the appurtenances mentioned in the said deed, shall be and are hereby vested and settled in the present parson and the present church-wardens of the said parish of St. Bartholomew, and his and their successors, parson and church-wardens of the said parish, to the intent and purpose that such sale thereof may be made as herein is after mentioned; and the said present parson and church-wardens, and his and their successors, parson and church-wardens of the said parish, are hereby enabled, with the consent of the vestry of the said parish, or the major part of the said vestry, to make any conveyance, sale or disposition of the said land, with the appurtenances, to any person or persons whatsoever, his, her or their heirs or assigns, at the best price that may be had for the same, first giving twenty-one days notice of the time and place of the sale thereof; and with the money arising by the said sale, to purchase young female slaves, which said female slaves and their future issue, shall thenceforth be vested, and are hereby declared to be vested, in the present rector or minister of the said parish and his successors, rectors or ministers of the said parish, while they shall respectively remain incumbents or ministers thereof; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

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The glebe land vested in the present parson and church-wardens of St. Bartholomew,

may make sale thereof.

II. *And be it also enacted*, That upon the death or other vacancy of the rector or minister of the said parish, it shall be lawful for the church-wardens and vestry of the said parish for the time being, and they are hereby enjoined to take care of, or employ or let out on hire the said slaves and their issue during such vacancy, and shall pay over the profits arising therefrom to the next succeeding minister of the said parish upon his being elected, or after he shall have officiated as minister in the said parish, with the consent of the parishioners, for the term of six months.

In case of death of the parson, the church-wardens and vestry to take care of the land and slaves.

III. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken to be, and is hereby declared to be, a publick Act of this Province, of which all judges and other persons are to take notice, and that the same shall or may be given in evidence.

BENJAMIN SMITH, *Speaker*.

In the Council Chamber, the 25th day of July, 1761.

Assented to: WILLIAM BULL.

AN ACT for the establishing, keeping and maintaining a Watch Company, for preserving good order and regulations in Charlestown. No. 905.

(Passed July 25, 1761. See last volume.)

AN ACT for repealing an Act passed the seventh day of October, in the year of our Lord one thousand seven hundred and fifty-two, for altering and amending the sixth and seventh paragraphs of the Act commonly called the General Duty Act, and for appropriating and VOL. IV.—20. No. 906.

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applying three-fifths of the tax appropriated and applied by the said sixth and seventh paragraphs of the said last mentioned Act as is hereinafter mentioned.

(Passed July 25, 1761. The original too much torn to be copied.)

No. 907. AN ORDINANCE APPOINTING WILLIAM HOPE, GENTLEMAN, COMPTROLLER OF THE COUNTRY DUTIES FOR THE PORT OF BEAUFORT, PORT ROYAL, IN THE PROVINCE OF SOUTH CAROLINA.

WHEREAS, John Chapman, late comptroller of the country duties in the Port of Beaufort, is removed to and settled in Charlestown,

I. *Be it therefore ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That William Hope shall be, and he is hereby nominated and appointed comptroller of the country duties in the aforesaid Port of Beaufort, Port Royal, and that he shall be intitled unto, receive and take the same fees and perquisites to the said office belonging or appertaining; and shall be first sworn before any one of his Majesty's justices of the peace in this Province, who is hereby impowered and required to administer such oath, well and truly to execute and discharge the said office of comptroller.

B. SMITH, *Speaker*.

In the Council Chamber, the 25th day of July, 1761.

Assented to: WILLIAM BULL.

No. 908. AN ACT APPOINTING COMMISSIONERS TO STAMP AND SIGN THE SUM OF TWENTY THOUSAND POUNDS IN LAWFUL PAPER BILLS OF CREDIT, FOR EXCHANGING SUCH LAWFUL PAPER BILLS OF CREDIT AS ARE NOW OUTSTANDING, AND ARE BECOME OBLITERATED, TORN AND DEFACED.

Preamble. WHEREAS, many of the lawful paper bills of credit now current in this Province, are very much torn and defaced, and the inhabitants thereof are under many inconveniences for want of small currency for marketing and other occasions; we therefore pray his most sacred Majesty that it may be enacted,

Commissioners
nominated to
stamp and
issue bills.

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Thomas Smith, John Savage, John Wragg, Ebeneazer Simmons, jr., William Williamson, Jacob Motte, jr. and John Rutledge, Esquires, or any four of them, be, and they are hereby impowered and required to stamp off and duly sign twenty thousand pounds in lawful paper bills of credit, none of which bills shall be for more than one pound, nor any for less than two shillings and sixpence; which said sum of twenty thousand pounds, being so stamped and signed,

shall be by the said commissioners lodged in the hands of the public treasurer for the time being, and, together with the balance (now in the treasury) of twenty thousand pounds, which was stamped, signed and put into his hands by virtue of an Act of the General Assembly, passed the sixteenth day of May, one thousand seven hundred and fifty-two, intituled "An Act for appointing commissioners to stamp and sign the sum of twenty thousand pounds in paper bills of credit, to be exchanged for such of the bills of credit as were lately stamped upon bad paper and are become obliterated, torn and defaced, which said balance, together with the sum of twenty thousand pounds, to be stamped and signed as aforesaid, shall be by him, from time to time, issued and exchanged for such of the current lawful bills of this Province as shall be torn, obliterated or defaced, and shall be brought to him for that purpose, and shall not be issued on any other account or pretence whatsoever; and the said treasurer shall, once every year, render an account to the General Assembly of the sum he shall yearly exchange for the torn, obliterated and defaced bills or part thereof, to the end that such torn, obliterated and defaced bills or parts thereof, may be, by a committee of the Council and Assembly, burnt or destroyed

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II. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to die or depart this Province before they have executed the powers given by this Act, it shall and may be lawful for his honor the Lieutenant Governor or the Commander in chief for the time being, to nominate and appoint another commissioner or commissioners, in the room of him or them who shall so happen to die or depart this Province; and such commissioner or commissioners so nominated and appointed, shall have the same powers for the purposes aforesaid as the commissioners herein named.

Commissioner dying.

III. *And be it enacted* by the authority aforesaid, That any person or persons who shall counterfeit, erase or alter any of the lawful bills issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, erased or altered; and every person and persons who shall assist, abet or procure the counterfeiting, erasing or altering such bills, being thereof duly convicted, shall be, and are hereby declared and deemed guilty of felony, and shall suffer death as felons without benefit of clergy.

Penalty for counterfeiting, raising or altering the bills.

B. SMITH, *Speaker*.*In the Council Chamber, 25th day of July, 1761.**Assented to: WM. BULL.*

AN ACT for raising and granting to his Majesty the sum of two hundred and eighty-four thousand seven hundred and fifty-seven pounds seventeen shillings and four pence three farthings, and applying twenty-four thousand and seventy pounds nineteen shillings and eight pence three farthings, being surplus of taxes and the balance of several funds in the Public Treasury, making together, three hundred and eight thousand eight hundred and twenty-eight pounds seventeen shillings and one penny half-penny, to defray the charges of this Government from the first day of January to the thirty-first day of December, one thousand seven hundred and sixty, both days inclusive, and for other services therein mentioned.

No. 909.

(Passed July 30, 1761. *Omitted.*)

A. D. 1762.

No. 910. AN ACT FOR BUILDING AND KEEPING IN REPAIR A PILOT BOAT, TO ATTEND THE BAR AND HARBOUR OF BEAUFORT, PORT ROYAL, AND FOR THE BETTER SETTLEMENT AND REGULATING THE PILOTAGE OF THE SAID HARBOUR.

Preamble.

WHEREAS, the small number of vessels trading to Beaufort, Port Royal, are not sufficient to encourage a pilot or pilots to furnish themselves with boats for the use of the harbour of the said port; and as the increase of trade must be of great advantage to all the inhabitants living in those parts, which may be discouraged for want of pilots; we therefore pray your most sacred Majesty that it may be enacted,

Commissioners appointed to build and keep in repair a pilot boat.

I. *And be it enacted*, by his Excellency Thomas Boone, Esquire, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the several persons hereafter named, be, and they are hereby appointed commissioners to put the several matters in this Act directed, in execution, viz: Nathaniel Barnwell, John Barnwell, John Mulryne, Francis Stuart and William Hope, Esquires, any three of whom are hereby declared to be a quorum, which said commissioners shall be, and they are hereby authorized; empowered and required to build a pilot boat to attend the bar of the said harbour of Beaufort, Port Royal, and to keep the same in sufficient repair, which said boat shall be delivered into the custody and care of the pilot or pilots of the said harbour, who shall obtain branches or licences in the manner hereinafter directed.

Commissioners empowered to raise funds if necessary.

II. And the better to raise a fund for the purposes aforesaid, *Be it enacted* by the authority aforesaid, When it shall so happen that the neat duties collected in the said port of Beaufort, Port Royal, by virtue of any Act or Acts of Assembly of this Province, after deducting the waiter's salary, shall fall short of the sum of five hundred pounds per annum, as a fixed salary for the pilot, and one hundred and fifty pounds for keeping the said pilot boat in repair, that the said commissioners shall be and they are hereby authorized, empowered and required to raise a sum of money to the amount of that deficiency; and for that purpose to rate and assess all and every the persons living and residing in the parish of St. Helena, Port Royal, for their lands and slaves, moneys at interest, and stock in trade in the said parish, and all the settled plantations and slaves of other persons in the said parish, rateably and proportionably, according to the quantity of lands and number of slaves held, owned or claimed in the said parish, and the value of the moneys at interest and stock in trade therein, which assessment shall be made and taken yearly from the returns of the inquirers and collectors of the general tax for the last preceding year.

Warrant to issue against defaulters.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall, on due notice given in the Gazette, neglect or refuse to pay his, her or their part or proportion of such assessment to the said commissioners, then the said commissioners, or a quorum of them, shall, and they are hereby empowered and required to issue a warrant of distress under their hands and seals, against such defaulter or defaulters, for the same, directed to any lawful constable where such defaulter lives or resides.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners or any three of them, shall be, and they are hereby impowered and required to nominate and appoint such fit and competent person or persons to act as pilot or pilots, for the conducting of vessels inward to or outward from the Port of Beaufort, as they shall judge proper; and every master or skipper of any ship or vessel, for the consideration of the pilotage of such ship or vessel inward to or outward from the said port, shall pay unto the licenced pilot who shall take charge of the same the following rates, that is to say: for six feet of water or under, inward or outward, three pounds and fifteen shillings; for seven feet, five pounds; for eight feet six pounds and five shillings; for nine feet, seven pounds and ten shillings; for ten feet, eight pounds and fifteen shillings; for eleven feet, ten pounds; for twelve feet, eleven pounds and five shillings; for twelve feet and an half, twelve pounds ten shillings; for thirteen feet, thirteen pounds fifteen shillings; for thirteen feet and an half, fifteen pounds; for fourteen feet, sixteen pounds and five shillings; for fourteen feet and a half, seventeen pounds and ten shillings; for fifteen feet, eighteen pounds and fifteen shillings; for sixteen feet, twenty-five pounds; for seventeen feet, thirty-one pounds and five shillings; for eighteen feet, thirty-seven pounds and ten shillings; for nineteen feet, forty-five pounds; for twenty feet, sixty-five pounds and fifteen shillings current money of this Province; provided, that no decked periauga or coasting boat shall be obliged to pay any pilotage that are coming or going coastways.

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Commissioners
to appoint
pilots.

Fees of pilots.

V. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to die, depart this Province or refuse to Act, then his excellency the Governor or the Commander-in-chief of this Province, shall have power to nominate and appoint another commissioner in the room of him that shall so die, depart this Province or refuse to Act; and such commissioner so appointed, shall have the same powers and authoritys in all respects as those particularly named in this Act; and the commissioners shall, once in two years, or oftener if required, transmit a just and true account upon oath to the General Assembly, of all the monies by them collected and expended in virtue of this Act.

Governor may
fill vacancies
occasioned by
the death or
removal of com-
missioners.

VI. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners or any other person, shall be sued or prosecuted for any matter or thing done in pursuance of the directions of this Act, then he or they so sued shall and may plead the general issue, and give this Act and the special matter in evidence, in the court where such suit or prosecution shall or may be brought or commenced.

May plead the
general issue.

VII. *And be it further enacted* by the authority aforesaid, That all ships and vessels which shall go to the port of Beaufort from any port, (except Charlestown and Georgetown,) shall be liable to pay the same powder duty as ships and vessels that come to Charlestown; which shall be paid to such person as the powder receiver in Charlestown shall depute and appoint to receive the same.

Vessels from
ports out of this
Province to pay
powder duty.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall be of force for the term of five years, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation of
this Act.B. SMITH, *Speaker*.*In the Council Chamber, the 19th day of May, 1762.*

Assented to: THO. BOONE.

A.D. 1762.

No. 911.. *AN ACT* FOR THE BETTER PREVENTING OF EXCESSIVE AND DECEITFUL GAMING, AND TO PREVENT OCCUPIERS OF LICENSED PUBLIC HOUSES, AND OTHER HOUSES WHEREIN LIQUORS ARE SOLD, FROM SUFFERING APPRENTICES, OVERSEERS, JOURNEYMEN, LABOURERS AND SERVANTS FROM GAMING THEREIN.

Preamble.

WHEREAS, games and exercise should not be otherways used than as innocent and moderate recreations, and not as constant trades or callings, to gain a living or make unlawful advantage thereby; and whereas, by the immoderate use of them, many mischiefs and inconveniences do arise and are daily found, to the maintaining and encouraging sundry idle, loose and disorderly persons, in their dishonest, lewd and dissolute course of life, and to the circumventing, deceiving and debauching of many of the younger sort of people and others, to the loss of their time and the ruin of their estates and fortunes, for prevention of which evils for the future, we pray his most sacred Majesty that it may be enacted,

Promises to pay gaming debts, void.

I. *And be it enacted*, by his Excellency Thomas Boone, Esquire, Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and after the passing of this Act, all bills, bonds, judgments, mortgages, notes of hand or other securities or conveyance whatsoever, given, granted, drawn or entered into or executed, by any person or persons whatsoever, where the considerations of such conveyance or securities shall be for any money or other valuable things whatsoever, won by gaming or playing of cards, dice tables, tennis, bowls, or other game or games, bet or bets, chance or chances of any kind whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or who shall, during such play, so play or bet, shall be utterly void, frustrate and of none effect, to all intents and purposes whatsoever; any statute, laws or usage to the contrary thereof in any wise notwithstanding; and that, where such mortgages, securities or other conveyances, shall be of lands, tenements or hereditaments, or shall be such as incumber or affect the same, such mortgages, securities or other conveyances, shall enure and be to and for the sole use and benefit of, and shall devolve upon such person or persons as should or might have, or be entitled to such lands, tenements or hereditaments, in case of the said grantor or grantors thereof, or the person or persons so incumbering the same, had been naturally dead; and as if such mortgages, securities or other conveyances, had been made to such person or persons so to be entitled, after the decease of the person or persons so incumbering the same; and that all grants or conveyances to be made for the preventing of such lands, tenements or hereditaments from coming to or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, any person or persons whatsoever, who shall at any time or times, sitting or sittings, within the space of twenty-

four hours, by playing of cards, dice tables or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more person or persons, so playing or betting, in the whole, the sum or value of five pounds current money of this Province, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within three months then next following, and not after, to sue for and recover the moneys or goods so lost and paid or delivered, or any part thereof, from the respective winner and winners thereof, with costs, by a warrant from a justice of peace in nature of a warrant for debt, founded on this Act, in case the money or goods so lost and paid or delivered, above the value of five pounds, shall not exceed the value of twenty pounds current money; and in case the money or goods so lost and paid or delivered, shall exceed the value of twenty pounds current money, the loser shall and may recover the same from the winner or winners, with costs, by action of debt, founded on this Act, to be prosecuted in his Majesty's courts of common pleas in this Province, in which actions or suits no essoign, protection, wager of law, privilege, or more than one imparlance shall be allowed; and in which action or suit it shall be sufficient for the plaintiff to alledge that the defendant or defendants are indebted to the plaintiffs, or received to the plaintiffs use the moneys so lost or paid or converted, the goods won of the plaintiff's to the defendant's use, whereby the plaintiff's action or suit accrued to him, according to the form of this Act, without setting forth the special matter; and in case the person or persons who shall lose such money or other things as aforesaid, shall not within the time aforesaid really and bona fide sue for, and afterwards with effect prosecute for the monies or other things so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same and treble the value thereof, with costs of suit, against such winner or winners as aforesaid, unless such winner or winners shall, within ten days after the winning such money or thing, repay or re-deliver to the loser, such money or thing so won and received as aforesaid, together with costs of suit, as may have accrued before the repayment or re-delivery of such money or thing; the one moiety of which penalty shall be to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

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Money or
goods lost at
gaming, may
be recovered.

III. And for the better discovery of the monies or things so won and received, and to be sued for and recovered as aforesaid, *It is hereby* further enacted by the authority aforesaid, That all and every the person or persons, who by virtue of this present Act shall or may be liable to be sued for the same, shall be obliged and compellable to answer, upon oath, such bill or bills in equity as shall be preferred against him or them, for discovering the sum and sums of money or other thing so won and received at play as aforesaid.

Winner to
answer on oath,
and discover,

IV. *Provided always, and be it nevertheless enacted* by the authority aforesaid, That upon the discovery and repayment of the money or other thing, so to be discovered and repaid as aforesaid, together with any costs that may have accrued, the person or persons who shall so discover and repay the same as aforesaid, shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty, which he or they may have incurred by the playing for or winning such money or other thing so discovered and repaid as aforesaid; any former or other Act, law or usage, or any thing in this present Act contained to the contrary thereof in any wise notwithstanding.

Discoverer and
refunder ex-
empted from
further pen-
alties.

A. D. 1762.

Cheating, how
to be punished.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, at any time or times after the passing this Act, do or shall, by fraud, or shift, couzenage, circumvention, deceit or unlawful device or ill practice whatsoever, in playing at and with cards and dice, or any of the games aforesaid, or in bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, that then every person or persons so winning by such ill practices as aforesaid, being convicted thereof, upon an indictment, to be exhibited against him or them for that purpose, shall forfeit five times the value of the sum or sums of money or other thing, so won as aforesaid; and in case of such ill practice as aforesaid shall suffer such corporal punishment as the court before whom the same shall be tried shall think fit to inflict, not extending to the loss of life or member, and such penalty to be recovered by such person or persons as shall sue for the same, by such action as aforesaid.

Quarrelling.

VI. And for preventing such quarrels as shall or may happen upon the account of gaming, *Be it further enacted* by the authority aforesaid, That in case any person or persons shall assault and beat, or shall challenge or provoke to fight, any other person or persons, upon account of money won by gaming, playing or betting at any of the games aforesaid, such person or persons so assaulting, beating, challenging or provoking to fight such other person or persons, upon the account aforesaid, shall, being thereof convicted, upon an indictment or information to be exhibited against him or them for that purpose, forfeit to his Majesty, his heirs and successors one hundred pounds proclamation money, and shall also suffer imprisonment, without bail or mainprize, in the common goal in Charlestown, during the term of one year.

Keepers of
public houses
not to permit
gaming.

VII. And whereas, the occupiers of many licenced public houses and other houses wherein liquors are sold, frequently suffer gaming therein, and apprentices, overseers, journeymen, laborers and servants, by means thereof, not only misspend their time, but are often reduced to poverty and distress; *Be it therefore enacted* by the authority aforesaid, That from and after the first day of July next, if any person or persons licenced to sell any sorts of liquors, or who shall sell or suffer the same to be sold in his or their house or houses, or in any out-houses, ground, or apartments thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle-boards, billiard tables, skittles, nine pins, or at or with any other games or implements of gaming, in his, her or their outhouses, ground, or apartments thereto belonging, by any apprentices, overseers, journeymen, labourers or servants, and shall be convicted of the said offence, on their own confession, or on the oath of one or more creditable witness or witnesses, exclusive of the person giving information thereof, before any justice or justices of the peace for the county wherein the offence shall be committed, within twenty days after such offence shall be committed, he, she or they so offending shall, for every such offence, forfeit and pay the sum of forty shillings proclamation money; and for every like offence which he, she or they shall afterwards be convicted of before any such justice or justices of the peace, he, she or they so offending shall forfeit and pay the sum of four pounds proclamation money; all which sums of money, so forfeited, shall be levied by distress and sale of the offender's goods and chattels, by warrant from the justice or justices before whom such offender or offenders shall be convicted, which warrant every such justice or justices is and are hereby required and authorized to grant; and three fourths of all sums

which shall be so forfeited shall, on the recovery thereof, be paid to the churchwardens or vestry of the parish in which the offence shall be committed, for the use of the poor of the said parish, and the other fourth thereof to the person or persons on whose information the party or parties offending shall have been convicted; and in default of payment thereof, such offender or offenders shall, by a warrant under the hand of such justice or justices as aforesaid, be committed to the work-house in Charlestown, there to remain and be kept to hard labour for any time not exceeding the space of ten days, or until the money so forfeited shall be paid.

A. D. 1762.

VIII. *And be it likewise enacted* by the authority aforesaid, That from and after the first day of July next, if any apprentice, overseer, journeyman, labourer, or servant, shall game in any house, out-house, ground, or apartment thereto belonging, wherein any liquors shall be sold, and shall be convicted of the said offence, by oath of one or more creditable witness or witnesses, or on his own confession, every such offender shall forfeit and pay the sum of twenty shillings proclamation money, every time he shall so offend and be convicted as aforesaid, to be paid and applied as hereinbefore is directed with regard to persons selling liquors and permitting such gaming, and in default of such payment shall, by warrant under the hand of such justice or justices as aforesaid, be committed to the work-house in Charlestown, there to remain and be kept to hard labour for any time not exceeding the space of five days, or until the money so forfeited shall be paid.

Penalty on apprentices and others for gaming.

IX. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any justice or justices of the peace of any county, and he and they is and are hereby required, upon complaint on oath of any offence committed against this Act, to issue his or their warrant to some constable of the parish wherein the offence shall be charged to have been committed, or where the offender shall reside, for bringing before him or them, or some other justice of the same county, the person or persons charged with such offence, and he and they is and are hereby authorized and required to hear and finally to determine the matter of such complaint, and to proceed to judgment and conviction thereupon, without any appeal therefrom; and if it shall appear, by oath of any creditable person, that any persons within the said justice's jurisdiction can give material evidence against any offender against this Act, or on behalf of the person accused, and who will not voluntarily appear to be examined, such justice or justices may and shall issue his or their summons to convene every such person before him or them, to be examined on oath concerning the premises; and in case of refusal to be examined as aforesaid, without just cause for such refusal, it shall be lawful for such justice or justices to fine such person or persons a sum not exceeding four pounds proclamation money, and in default of payment thereof in three days, then to commit every such person or persons, by warrant under his or their hand and seal, to any public prison, for any time not exceeding ten days; and the expense attending such several commitments shall be borne and paid by the parties offending against this Act, if of ability to pay the same, which shall be levied by warrant as aforesaid, and if not, the same shall be paid by the public, in like manner as is done for conveying criminals to gaol.

Proceedings of justices of the peace on complaint being made of gaming.

Witnesses to be summoned.

Penalty on refusing to appear.

X. *Provided always, and be it enacted* by the authority aforesaid, That in all proceedings in pursuance of this Act, any inhabitant of the parish in which such offence shall be committed, contrary to the true intent thereof, shall be admitted to give evidence, and shall be deemed a competent witness.

Any inhabitant to be a competent witness.

A.D. 1762.

tent witness, notwithstanding his, her or their being an inhabitant or inhabitants of such parish.

Justices of
peace and con-
stables impow-
ered to enter
gaming houses
and arrest the
inmates.

XI. And in order the more effectually to suppress so great an evil, *Be it also further enacted*, That it shall and may be lawful for any justice or justices of the peace, or constable, and he and they is and are hereby authorized and required, upon his or their receiving information from any credible person, or who shall himself know, or have reasonable and just cause to suspect, that there are any such persons as aforesaid gaming in any licensed public houses, or other house selling liquors, contrary to the intention of this Act, taking with him two other creditable persons, to enter into the same, demand being first made for so doing; and in case of refusal, to break open the doors of such houses, and search for and seize, and apprehend any person or persons as aforesaid, in order to his, her or their being prosecuted for such offence according to law.

A public Act.
Limitation 7
years.

XII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and be taken as such by all judges, justices and magistrates, and in all courts within this Province, without special pleading, and shall continue in force for the space of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1762.

Assented to: THOMAS BOONE.

No. 912. *AN ACT FOR ERECTING A NEW CHURCH IN THE PARISH OF SAINT STEPHEN, AND FOR ESTABLISHING A ROAD IN THE SAID PARISH, INSTEAD OF PART OF THE ROAD LEADING FROM PALMER'S FERRY TO WATROO BRIDGE, AND FOR APPOINTING COMMISSIONERS FOR BUILDING A CHAPEL OF EASE NEAR WAMBOW BRIDGE, IN THE PARISH OF ST. JAMES SANTEE.*

Preamble.

WHEREAS, many of the inhabitants of the parish of Saint Stephen, by their humble petition to the General Assembly, setting forth that the present parish church of St. Stephen is an old, decayed wooden building, and too small for the number of parishioners, which has greatly increased since the said church was first erected as a chapel of ease to the parish of St. James Santee, before the division of that parish from the said parish of St. Stephen, have prayed that a new parish church may be erected in the said parish of St. Stephen; we therefore humbly pray his most sacred Majesty that it may be enacted,

A parish
church to be
built for St.
Stephen.

I. *And be it enacted*, by his Excellency Thomas Boone, Esq., Captain General, Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a church shall be built by the commissioners hereinafter named, on any part of the land in the said parish of St. Stephen now used for a church-yard to the present parish church thereof; and that the church so to be built thereon shall, when finished, be, and it is hereby declared to be, the parish church of the said parish of

St. Stephen ; any law, usage or custom to the contrary thereof in any wise notwithstanding.

A. D. 1762.

II. *And be it further enacted* by the authority aforesaid, That John Pamor, Charles Canteay and Philip Porcher, Esquires, Mr. Joseph Pamor, Mr. Peter Sinkler, Mr. Peter Porcher, Mr. Thomas Cooper, Mr. Rene Peyre and Mr. Samuel Cordes, or a majority of them, be, and they are hereby appointed, commissioners for building the said church and setting up pews therein ; and they and every of them are and is hereby authorized and empowered to take and sue for subscriptions to and for the same, and to receive, gather and collect all such sum and sums of money as any pious and well disposed persons shall give and contribute for the purposes aforesaid ; and in case of the death, absence or refusal to act of any of the said commissioners, the remaining commissioners, or any five of them, shall and may, and they are hereby fully authorized and empowered to, nominate and appoint another person or persons to be commissioners in the room and place of such person or persons so dying, absenting or refusing to act, and the person and persons so nominated and appointed shall have the same power and authority for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

Commissioners appointed.

Vacancies.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, with the monies to be collected by the contributions aforesaid, shall have power, and they are hereby authorized and required, as soon as conveniently may be, to build the said church, and to set up pews in the same, in such manner as they in their discretion shall think fit, which pews shall be made as equal in size as can be, and shall be disposed of in manner following ; that is to say, the person who shall have contributed most towards the building the said church, shall be entitled to have the first choice of the pews in the same ; and if it shall happen that several persons have contributed equally, such persons shall draw lots for the choice ; and the said commissioners, or any five of them, are hereby empowered and required to convey the said pews to such persons, their heirs and assigns, for ever, by any instrument in writing, under their hands and seals, for that purpose.

To build the church and dispose of the pews.

IV. And whereas, Rene Peyre, by his humble petition to the General Assembly, representing that the road leading from Palmer's ferry to Watboo bridge runs through the middle of his plantation, and is of very great detriment to him ; that he hath, therefore, laid out a new road, with the leave of all persons concerned or interested therein, shorter than the old ; prays that the said new road may be established by law, instead of part of the old road ; *Be it therefore enacted* by the authority aforesaid, That the new road in the parish of St. Stephen, lately laid out by the said Rene Peyre, which crosses the swamp on the line between his and Mr. Edward Thomas's plantation, shall, when finished and completed by him so as to be approved by the commissioners for the high roads of the said parish of St. Stephen, or a majority of them, be, and it is hereby established, a private road ; and that the persons subject or liable by any Act or Acts of Assembly of this Province to repair or work on that part of the road leading from Palmer's ferry to Watboo bridge, which will be divided from the remainder thereof by the said new road, shall, when the said new road be so completed and finished as aforesaid by the said Rene Peyre, be obliged to repair and work on the said new road, and that they shall not thereafter be liable to repair and work on the aforesaid part of the said old road, nor shall the same be any longer deemed, taken or used as a private road ; any law, usage or custom to the contrary thereof in any wise notwithstanding.

A road changed.

A. D. 1762.

Commissioners appointed to build a chapel of ease near Wambaw bridge.

V. Whereas, by an Act passed the 11th May, 1754, entitled "An Act for dividing the parish of St. James Santee," certain commissioners were appointed for building a chapel of ease near Wambaw bridge; and whereas, the building of said chapel has hitherto been neglected to be carried into execution, to the great disadvantage of the inhabitants of the lower part of the said parish, one of the commissioners being dead, and another having left the parish, *Be it therefore enacted* by the authority aforesaid, That Thomas Lynch, John Mayrant, Isaac Mazyck, Jr., Peter Mauzon and Jacob Motte, Jr., Esquires, or any three of them, shall be, and they are hereby appointed, commissioners for erecting and building a chapel of ease near Wambaw bridge; and they shall and are hereby invested with the same power and authority as the commissioners named in the said Act were invested with for erecting and building the said chapel; any thing to the contrary contained in the said Act notwithstanding.

BENJAMIN SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1762.

Assented to: THOMAS BOONE.

No. 913. *AN ACT* APPOINTING CHARLES GARTH, ESQ., AGENT TO SOLICIT AND TRANSACT THE AFFAIRS OF THIS PROVINCE IN GREAT BRITAIN.

WHEREAS, many important matters, in which the interest and welfare of this Province are essentially concerned, are now depending, and other things relative thereto may hereafter become necessary to be represented to his most gracious Majesty, to both or either house of Parliament, and to the several boards in Great Britain, and to be transacted in some of the offices there, which cannot be so expeditiously or effectually done without the appointment of an Agent for those purposes;

I. *Be it therefore enacted*, by his Excellency Thomas Boone, Esquire, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That Charles Garth, Esq., be, and he is hereby nominated and declared to be, Agent to represent, solicit and transact the affairs of this Province in Great Britain; and the said Charles Garth, Esq., is hereby accordingly fully authorized, empowered and directed to prosecute, and with diligence and application to endeavour to carry into execution, such instructions as he shall from time to time receive from the General Assembly of this Province, or from the committee hereinafter appointed to correspond with him.

II. *And be it also enacted* by the authority aforesaid, That any four of the members of his Majesty's honorable Council, the Honorable the Speaker of the Commons House of Assembly for the time being, and such other members of the said house as shall be by them appointed for that purpose, shall be, and they, or any nine of them, are hereby constituted a committee to correspond with the said Charles Garth, Esq., and to give him such orders and instructions as shall be by them thought necessary for the service of the said Province.

III. *And be it further enacted* by the authority aforesaid, That a sum of two hundred pounds sterling money of Great Britain, per annum, shall be allowed and paid to the said Charles Garth, Esq., for the services afore-

said, during the term of two years, to commence and take place from the day the said Charles Garth, Esq., shall receive a copy of this Act, so as to be enabled thereby to pursue the instructions thereof; which said salary he shall be hereby entitled to, over and above all such reasonable charges and disbursements as he shall be put unto on account of his said agency.

A. D. 1762.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1762.

Assented to: THOMAS BOONE.

AN ACT for vesting the Ferry over Ashley river, in Edward Legge, his Executors, Administrators and Assigns, for fourteen years. No. 914.

(Passed May 19, 1762. *See last volume.*)

AN ORDINANCE FOR APPOINTING MR. JOSEPH HUTCHINS COUNTRY WAITER FOR THE PORT OF CHARLESTOWN, AND MR. RICHARD STEVENS, COUNTRY WAITER FOR THE PORT OF BEAUFORT, PORT ROYAL. No. 915.

WHEREAS, it is necessary that country waiters for the ports of Charlestown and Beaufort, Port Royal, should be appointed,

I. *Be it therefore ordained*, by his Excellency Thomas Boone, Esquire, Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Mr. Joseph Hutchins be, and he is hereby constituted and appointed, country waiter for the port of Charlestown, to all intents and purposes whatsoever.

II. *And be it further ordained* by the authority aforesaid, That Mr. Richard Stevens be, and he is hereby constituted and appointed, country waiter for the port of Beaufort, Port Royal, to all intents and purposes whatsoever.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1762.

Assented to: THOS. BOONE.

AN ACT for dividing the Road leading from the upper Settlement, near the Catawba nation, to Nelson's (late Beard's ferry) in two districts, and appointing a greater number of Commissioners for the said road; and for laying out a road, from Saunder's Creek to Pedee river; another from Murray's ferry to Nelson's (late Beard's) ferry; and another from the plantation of Dennis Hagen, in Craven county, to Murray's ferry; and for empowering the Commissioners of the high-roads in St. James's Santee, to build a new bridge over Wambaw creek, in the said parish; and also, empowering the Commissioners of the high-roads for the parish of St. George, to alter the road leading through the village of Dorchester. No. 916.

(Passed May 29, 1762. *See last volume.*)

A. D. 1762.

- No. 917. AN ACT for finishing, compleating and keeping in repair a road already laid out from Day's creek bridge, in Granville county, to the plantation of Jermyn and Charles Wright, called Rochester, situate on Savannah river, in the said county, and for establishing a ferry over the said river, from the said plantation of the said Jermyn and Charles Wright, to the plantation of Jonathan Bryan, in Georgia.

(Passed May 29, 1762. See last volume.)

No. 918. AN ORDINANCE FOR APPOINTING A COMPTROLLER OF THE COUNTRY DUTIES FOR THE PORT OF CHARLESTOWN.

WHEREAS, it is necessary that a comptroller of the country duties for the port of Charlestown should be appointed;

I. *Be it therefore ordained*, by his Excellency Thomas Boone, Esquire, Captain General and Governor-in-chief, in and over the Province of South Carolina, with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Samuel Prioleau be, and he is hereby appointed and declared, comptroller of the country duties for the port of Charlestown, to all intents and purposes whatsoever.

B. SMITH, *Speaker*.

In the Council Chamber, the 29th day of May, 1762.

Assented to : THO. BOONE.

No. 919. AN Additional ACT TO AN ACT INTITLED "*An Act to encourage the making of Hemp.*"

Preamble.

WHEREAS, an Act intituled "*An Act to encourage the making of hemp,*" past the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two, hath proved insufficient for the purposes intended; may it therefore please his most sacred Majesty that it may be enacted,

Bounty on
hemp to be 14s.
4d.

I. *And be it enacted*, by his Excellency Thomas Boone, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That over and above the premium of eight shillings and four pence proclamation money, per hundred pounds weight, given as an encouragement for making of hemp in this Province by the said recited Act, a further premium or sum of six shillings proclamation money, shall be, and is hereby, given out of the public treasury of this Province, for every hundred pounds weight of well dressed merchantable hemp, reckoning five score to the hundred, and so on in proportion for all under or above that quantity made in this Province, to be paid to the maker or makers thereof in manner hereinafter directed.

II. *And be it further enacted* by the authority aforesaid, That Robert Pringle, James Reid, William Wooddrop, Thos. Shubrick and Frederick Grimkey, Esquires, shall be, and they are hereby nominated and appointed, inspectors of such hemp as shall be made in this Province; and they or any three of them shall and may judge and determine whether the same is of such quality as to be intitled to the premium given by this Act. A. D. 1762.

III. *And be it further enacted* by the authority aforesaid, That no person whosoever shall be intitled to the said bounty, unless he or she shall make oath before the said inspectors or some one or other of them, who are hereby impowered to administer such oath, and also the other oath hereinafter mentioned, that he or she made in this Province the hemp produced to such inspectors, mentioning the weight thereof, and that neither he or she or any other person before that time had received any premium or bounty for the same; or unless such person or persons shall sign and swear to a certificate before some magistrate in the country, that he or she is the real owner of a quantity of hemp, expressing the weight thereof, and that the same is of the growth and produce of his or her plantation, mentioning the place where the same is situate in this Province, and that he or she hath either absolutely sold or delivered the same to another person, mentioning also the name of such person, to be carried to Charlestown and sold or otherwise disposed of on his or her account; and unless such person to whom the same is so sold or delivered shall produce such certificate, attested before a justice of the peace, and swear before the said inspectors or one of them, that the hemp produced by him or her to such inspectors, is the hemp so sold or delivered to him or her by the person swearing to such certificate as aforesaid, and that neither he or she, or any other person, before that time had received any bounty or premium for the same; which said certificate shall be in the words and to the effect following;

"I, A. B., of _____, in _____ county, do hereby certify, that I am the real owner of _____ weight of hemp, and that the same is of the growth and produce of my plantation, situate in _____ county in this Province, and that I have absolutely sold the same to _____, or (as the case shall be,) delivered the same to C. D., to be conveyed to Charlestown to be sold or otherwise disposed of by him on my account. A. B. Form of certificate.

"The above certificate was signed and sworn to before me the _____ day of _____, 176 .

E. F., J. P."

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall take a false oath before any justice of the peace in this Province, in order to procure his attestation of such certificate or certificates of the growth of hemp, all and every such person and persons shall be deemed and adjudged guilty, and shall suffer the pains and penalties, of wilful and corrupt perjury; and every justice of the peace, planter or maker of hemp, or other person who shall be guilty of any fraud in attesting, signing or swearing to such certificate, shall forfeit the sum of one hundred pounds proclamation money, to be recovered and applied as hereinafter is directed. Penalty for fraud.

V. *And be it further enacted* by the authority aforesaid, That the public treasurer for the time being shall be, and he is hereby, obliged and required to pay the said premiums on hemp to the maker or makers thereof, or to the possessor or possessors of the certificate or certificates, to be sworn and attested as aforesaid, upon such maker's or possessor's producing to the Public Treasurer to pay the bounty.

A. D. 1762.

treasurer a certificate from the inspectors, or any three of them, that such maker or possessor hath complied with the terms of this Act and is intitled to receive such bounty.

Penalty, how to
be recovered
and disposed
of.

VI. *And be it further enacted* by the authority aforesaid, That the penalty and forfeiture by this Act imposed, shall and may be prosecuted, determined and recovered by action of debt, in his Majesty's court of common pleas in this Province, wherein no essoign, protection, privilege or wager of law, or more than one imparlance, shall be admitted or allowed; and the said penalty and forfeiture shall be applied, one moiety to his Majesty for the use of this Government, and the other moiety to him or them that will sue for the same.

VII. *And be it further enacted*, That this Act shall continue and be of force for the term and space of five years, and no longer.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 29th day of May, 1762.

Assented to: THO. BOONE.

No. 920. *AN ACT TO REGULATE THE TRADE WITH THE CHEROKEE INDIANS, BY TAKING THE SAME INTO THE HANDS OF THE PUBLIC OF THIS PROVINCE.*

Preamble.

WHEREAS, the Cherokee Indians have requested that this Government would regulate the trade with them, prevent abuses therein, and provide that they may be furnished with a sufficiency of necessary goods by honest and sober men at reasonable rates, the granting of which request may be not only productive of much good to those people, but tend to the safety and tranquility of this Province, and to strengthen and secure the peace and friendship lately concluded between the said Indians and this Government, and to induce them to withdraw themselves from the French, and effectually to secure their affection to the British interest: and whereas, the coming down of the Cherokee Indians to Charlestown on frivolous occasions hath been attended with great expence to the Province; in order to prevent which, and the abuses complained of, and to effectuate the good purposes aforesaid, it is absolutely necessary that the Cherokee Indian trade, and the power and liberty of supplying the Cherokees with goods, wares and merchandizes, should be taken into the hands of the Government in the manner hereinafter directed; we therefore humbly pray your most sacred Majesty that it may be enacted,

Commissioners
appointed to
carry on the
Cherokee
trade.

I. *And be it enacted*, by his Excellency Thomas Boone, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Fort Prince George, at Keowee, shall be, and is hereby appointed, the only place from whence to carry on the Cherokee Indian trade aforesaid, under the directions hereinafter expressed and declared; and that Thomas Lambole, Thomas Shubrick, Gabriel Manigault, John Savage and Thomas Smith, of Broad-street, Esquires, shall be, and are hereby nominated and appointed, directors to carry on the Indian trade aforesaid; and the said directors, or a majority of them, shall have full power and authority to do, execute and perform the several duties and things enjoined and required of them by virtue of this Act, during the continuance thereof; and shall once in every year adjudge and settle their

accounts, and render the same to the Assembly of this Province for the time being, therein setting forth the nature, manner and profits of the trade aforesaid; and shall be allowed for their trouble two and a half per centum on the purchase of the goods, and two and a half per centum on the sales of the returns, and no more, including storage in Charlestown. A. D. 1762.
Their compensation.

II. *And be it further enacted* by the authority aforesaid, That one fit person shall be nominated and appointed by the directors, or by a majority of them, as a factor to carry on the said trade at the factory at Keowee aforesaid, which factor, so to be nominated and appointed, shall constantly reside at Keowee aforesaid, and shall receive as an annual salary for his trouble in carrying on the said trade the sum of three hundred pounds proclamation money; and in case any factor nominated and appointed by virtue of this Act should refuse to serve, die, or be removed by the directors for misbehaviour, or surrender up his said trust and office, the said directors, or a majority of them, shall in like manner proceed to nominate and appoint one other fit person to serve as factor in the place and stead of him who shall refuse to serve, die, be removed, or surrender up his trust and office as aforesaid; provided always, that the directors aforesaid, or a majority of them, shall be at liberty from time to time, during the continuance of this Act, at their pleasure, to remove any factor hereafter to be appointed by virtue of this Act, and one other factor to nominate and appoint in the place and stead of the factor so removed; and for the better enabling the said factor the more effectually to manage the business of the said factory, the said directors, or a majority of them, shall nominate and appoint two persons as clerks, and two white men as porters, not being soldiers, to reside in the factory aforesaid, subject to the directions of the factor to be appointed by virtue of this Act, and to be removed at the pleasure of the said directors; and the said clerks so to be appointed, shall be allowed one hundred and forty-pounds proclamation money, each, as their salaries; and each of the said porters shall have an annual salary of forty pounds proclamation money. A factor to be appointed at Keowee.
Clerks and porters.
Salaries.

III. *And be it further enacted* by the authority aforesaid, That the said directors, or a majority of them, shall constantly, from time to time, during the continuance of this Act, furnish and supply the said factor with proper assortments of goods, wares and merchandizes, which the said factor shall sell, exchange and barter with the Indians for their skins and peltry, or for money, at such rates as shall be from time to time settled by the said directors or a majority of them. The directors to supply the factor with goods.

IV. *And be it further enacted* by the authority aforesaid, That the said directors, or a majority of them, shall from time to time, with such money as shall be granted and appropriated for that purpose, purchase from the importers, or import, as shall be most conducive to the benefit of the said trade, and send out to the said factory, necessary assortments of goods, wares and merchandizes, for carrying on the trade aforesaid; and shall receive the skins, peltry and other goods that shall be sent in as returns for the same, and sell or dispose thereof, by themselves or such other person or persons as they shall appoint, in lots, by way of public auction or vendue in Charlestown, to the highest bidders, giving at least ten days notice in the public newspapers of this Province of such sale, together with the particular assortments and quantities of the goods, wares and merchandizes so to be sold; provided nevertheless, that no lot of such goods, wares and merchandizes shall exceed in value fifty pounds proclamation money; in which purchases and sales the directors aforesaid, their factor and all and every other person or persons to be appointed or employed by them, shall use their utmost care, diligence and circumspection for the public good and interest. Returns to be sold in Charlestown.

A. D. 1762.

Directors forbidden to trade on their own account.

V. *And be it further enacted* by the authority aforesaid, That the said directors, or any or either of them, shall not directly or indirectly, buy, sell, barter, exchange or trade with any Indian or Indians whatsoever, on his or their own account, or on the account of any person or persons whatsoever, nor permit or suffer any factor, clerk or other person or persons under their or any of their directions so to do, during the continuance of this Act, but for the only account of the Province and in the manner directed by this Act, except it be for necessary provisions, under the penalty of five hundred pounds proclamation money, for every such offence, to be recovered in such manner as the other fines and penalties inflicted by virtue of this Act are directed to be recovered; one half thereof to the informer or person who shall sue for the same, and the other half to be applied to the uses of the trade aforesaid.

May issue certificates.

VI. And the better to enable the directors to carry on the said trade and execute and perform all and every the duties enjoined and required of them by this Act, *Be it enacted* by the authority aforesaid, That it shall and may be lawful for the said directors, or a majority of them, to issue certificates for any sum or sums of money, not exceeding in the whole the sum of six thousand pounds proclamation money, for the uses, intents and purposes aforesaid; and the said certificates shall be received in the public treasury of this Province in payment of all taxes and duties whatsoever.

The public to make good any loss.

VII. *And be it further enacted* by the authority aforesaid, That if any loss shall happen in carrying on the said trade, whereby a sufficient fund will not be in the hands of the said directors to enable them to call in and cancel the certificates to be issued by them as aforesaid, then and in that case such loss shall be on account of and paid by the public, and the said directors no way liable to the same.

Rate of profit.

VIII. *And be it further enacted* by the authority aforesaid, That in settling the rates of exchanging and bartering with the Indians, no greater advance shall be put upon the goods to be furnished them, than may in the judgment of the said directors be sufficient to defray the necessary expences of transacting, carrying on and managing the said trade, and maintaining the said principal stock; and if upon a final settlement of the accounts of the said trade, at the expiration of this Act, there shall be a surplus of profit, the same shall be paid by the said directors into the hands of the treasurer of this Province, to be disposed of in such manner and to such purposes as the General Assembly shall think fit.

Factor to take an oath and give bond.

IX. *And be it further enacted* by the authority aforesaid, That every factor appointed by virtue of this Act, before he takes upon him the office and trust thereby required, shall take an oath before some justice of the peace of this Province for the faithful discharge of his duty, according to the true intent and meaning of this Act; and shall also enter into and duly execute an obligation, with sufficient sureties, to his Majesty and his successors, in the penal sum of one thousand pounds proclamation money, that he will well and truly discharge and execute his trust, and likewise faithfully observe such orders, instructions and directions as shall be sent to him from time to time by the said directors, or a majority of them, and that he will neither directly nor indirectly, buy, sell, barter, exchange or trade with any Indian or Indians on his own account, or on the account of any other person or persons whatsoever, nor suffer any person or persons under his direction so to do, but for the account of the Province only, except it be for necessary provisions; and that he will not knowingly employ any person or persons as assistants in trading with the Cherokees or other Indians, but such as shall be well recommended as honest, sober and prudent persons, and approved of by the

said directors, or a majority of them; and the factor or factors so to be employed in the trade as aforesaid, shall keep fair, just and regular accounts of all his and their dealings relative to the said trade, and deliver fair transcripts thereof into the hands of the said directors, at least once a year, and shall also settle and adjust the same yearly, or oftener if required, with the said directors.

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To render an account.

X. *And be it further enacted* by the authority aforesaid, That if any such factor or factors, or clerk or assistant, or other person or persons employed by him or them, shall presume to demand higher or greater prices or rates from the Indians for any goods sold them, or exchanged or bartered with them, than they shall be fixed at, or allow the said Indians less for their skins and peltry than directed and instructed to do by the directors aforesaid, every such factor, clerk, agent or assistant, or person or persons employed as aforesaid, shall forfeit and pay the sum of one hundred pounds proclamation money, and the salary that may be due to them, for every such offence, one half thereof to be paid to the said directors, to be disposed of by them in purchasing goods and carrying on the said trade, and the other half thereof to such person or persons as shall sue or prosecute for the same, to be recovered in the manner hereinafter directed; and the offender or delinquent shall thenceforth during the continuance of this Act, be altogether disabled from holding or exercising any office within this Province.

Penalty for extortion.

XI. *And be it further enacted* by the authority aforesaid, That no person or persons whatsoever, other than the said directors, their factors, clerks and assistants, nominated and appointed as aforesaid, from and after the passing of this Act, shall presume on any pretence whatsoever, directly or indirectly, to sell, exchange or barter with any Cherokee Indian or other Indian in or passing to or from the Cherokee nation, or the factory aforesaid, any goods, wares or merchandizes, of what nature or kind soever, provisions only excepted, under the penalty of one hundred pounds proclamation money for every such offence, to be recovered and disposed of in the manner and for the purposes hereinafter directed; and if such person so offending shall not be able to pay the said fine, then to be committed to the public goal during the space of twelve months, without bail or mainprize; any law or laws of this Province to the contrary in any wise notwithstanding.

None but authorized persons to trade with the Indians.

XII. *And be it further enacted* by the authority aforesaid, That where any factor shall be removed by the said directors from his office of factor, or surrender up his said office, he shall immediately after such removal or surrender, deliver up to the said directors or to such person as they shall appoint for that purpose, all the books, public accounts and papers belonging to or concerning the trade aforesaid and the trust committed to his care, whole and entire and undefaced, under the penalty of two hundred pounds proclamation money, to be recovered in the manner and for the uses hereinafter directed; and where any factor shall die or be removed from his said office and trust, the executors or administrators of such factor shall in like manner deliver all the books and papers which shall come to their hands, relating to the accounts and transactions of the said trade, to the directors aforesaid, or to their order, under the like penalty.

Factor resigning, &c. to deliver up the books and accounts.

XIII. *And be it further enacted* by the authority aforesaid, That the commanding officer of Fort Prince George for the time being, or any person under his command or residing in the said fort, shall not in any wise or on any pretence whatsoever, be concerned in trading with the Cherokee Indians, or any other Indians, under the penalties inflicted by this Act on others in the like cases offending; and he is hereby enjoined and required

Commander of Fort George.

A. D. 1762.

to give all manner of assistance and protection to the factor or factors residing there, to carry on with effect the trade aforesaid, and by no means to molest or interrupt him or them, or the Indians, in trading according to the true intent and meaning of this Act.

No person to bring Indians into the settlement.

XIV. *And be it further enacted* by the authority aforesaid, That no person or persons whatsoever shall presume to bring down any Cherokee Indian or Indians into the settlements, without directions for so doing from the Governor or Commander-in-chief for the time being, under the penalty of one hundred pounds proclamation money, to be recovered in any court of record in this Province; and if such person or persons so offending shall not be able to pay the said fine, then to be committed to the public goal during the space of twelve months, without bail or mainprize.

Factor to act as justice of the peace.

XV. *And be it further enacted* by the authority aforesaid, That no person shall be appointed a factor for the purposes aforesaid, but one who is in the commission of the peace; and that such factor shall have power and authority, upon view of any person or persons transgressing this law, or upon receiving information upon oath of any person or persons so doing, to issue his warrant to apprehend such person or persons, and him or them to bind over with sufficient sureties, to appear at the next general sessions to answer for the said offence; and for want of such sureties, by warrant to send and to commit such offender or offenders to the common goal in Charlestown, there to remain until discharged by due course of law.

Disposal of fines.

XVI. *And be it further enacted* by the authority aforesaid, That all the fines, penalties and forfeitures inflicted and imposed by this Act, not particularly disposed of, nor the method of recovery directed, shall and may be sued for and recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance; one half of which fines, forfeitures and penalties to be paid to the said directors of the said Indian trade, to be disposed of by them in purchasing goods and carrying on the said trade, and the other half thereof to such person and persons as will inform and sue for the same.

Defendants to be held to special bail.

XVII. And for the more effectual prosecution of any persons or persons who shall offend against this Act, *Be it further enacted* by the authority aforesaid, That in every action or prosecution which shall be brought for the recovery of any fine, penalty or forfeiture imposed and inflicted by this Act, which action or prosecution is hereby directed to be brought within twelve months after the offence committed, and at no time after, the defendant or defendants shall be held to special bail; and in case the informer or prosecutor shall obtain judgment, he shall recover his full costs of suit; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Who shall not be directors.

XVIII. *And be it enacted* by the authority aforesaid, That no member of his Majesty's Council or member of the Commons House of Assembly for the time being, shall be a director for carrying on the trade aforesaid; and in case any of the directors before mentioned, shall happen to die, refuse to act or depart this Province, then his Excellency the Governor or Commander-in-chief for the time being, is hereby empowered from time to time to appoint one or more fit person or persons in the room of him so dying, refusing to act or departing this Province.

Vacancies.

Directors to give notice when about to purchase goods or hire wagons.

XIX. *And be it further enacted* by the authority aforesaid, That whenever the said directors shall have occasion to purchase goods in this Province for the purposes aforesaid, they shall be obliged, and they are hereby enjoined, to give five days public notice to all persons having such goods to

dispose of, to send in to such directors their proposals and prices; and in like manner whenever the said directors shall have occasion to hire wagons or horses to carry such goods to Keowee, they shall be obliged, and are hereby enjoined, to give public notice to all persons having horses or wagons to hire, to send in their proposals to the said directors for the carriage of such goods, to the intent that the public may be furnished on the best terms.

A. D. 1762.

XX. *And be it further enacted* by the authority aforesaid, That in case any person shall be molested, sued, prosecuted or impleaded, for any matter or thing done by virtue of or in execution of this Act, it shall and may be lawful for every such person to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or prosecutor shall become non-suited, suffer a discontinuance, or a verdict or judgment shall pass against him or them, the defendant shall have double costs of suit, for the recovery whereof, he shall have the like remedy as where costs are given by law to other defendants.

This Act may be pleaded.

XXI. *And be it further enacted* by the authority aforesaid, That this Act shall be in force for three years from and after the passing thereof, and from thence to the end of the next session of the General Assembly of this Province, and no longer; and that this Act shall be deemed a public Act, and all courts in this Province are to take notice of the same without special pleading.

Limitation three years.

A public Act.

B. SMITH, *Speaker*.*In the Council Chamber, the 29th day of May, 1762.**Assented to:* THOMAS BOONE.

AN ACT for establishing a ferry from the plantation of George Roupell, Esq., called Patterson's Point, on Port Royal Island, to the land now of Joshua Morgan, on the Indian land, and for vesting the said ferry in the said George Roupell, his executors, administrators and assigns, for the term of ten years; and for establishing one other ferry from the said land of Joshua Morgan to the said plantation of George Roupell, Esquire, and for vesting the same in the said Joshua Morgan, his executors, administrators and assigns, for the like term.

No. 921.

(Passed May 29, 1762. *See last volume.*)

AN ACT TO REGULATE THE COASTING TRADE OF THIS PROVINCE, AND FOR IMPOWERING THE GOVERNOR TO APPOINT OFFICERS FOR PREVENTING FRAUDS AND ABUSES THEREIN, AND TO ASCERTAIN THE PLACES AND TIME FOR SHIPPING AND DISCHARGING GOODS.

No. 922.

WHEREAS, notwithstanding several Acts of parliament have been passed for securing and regulating the trade to and from the plantations, yet unlawful and indirect means are frequently made use of, not only to elude the payment of such duties as ought to be paid to his most gracious Majesty, and such as have been imposed by Acts of Assembly for the support of this Province, but also to supply his Majesty's enemies with provision, ammunition and stores of various kinds; we, his Majesty's loyal and

Preamble.

A. D. 1762.

dutiful subjects, being desirous to show our abhorrence of, and to use our best endeavors to discourage such practices, so destructive to the fair trader, so contrary to the general good of all his Majesty's subjects, and so repugnant to the spirit and intention of the said Acts of Parliament, pray your most sacred Majesty that it may be enacted,

Owners of ves-
sels to give
bond.

I. *And be it enacted*, by his Excellency Thomas Boone, Esquire, Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly, and by the authority of the same, That the owner or owners of every coasting boat or vessel, capable of carrying six tons, or some responsible person in his, her or their behalf, shall be obliged, and he, she and they is and are hereby required, within one month after passing this Act, to give bond, (which shall be renewed once in every twelve months) in the penalty of one hundred pounds proclamation money, to the public treasurer of this Province, or the treasurer of the port of Beaufort Port Royal, or the treasurer of the port of Georgetown Winyaw, for every such boat or vessel, the condition of which shall be, that his, her or their respective boats or vessels, shall not depart this Province in order to go to any port out of the same, without first clearing in the usual manner at the proper and accustomed offices, at some port of entry within the same, and that they shall not after clearing out as aforesaid take in at any harbour, creek or river in this Province, any goods or provisions, in order to be exported therefrom, and that they shall not return from any port or place out of this Province to any place within the same, that is not a port of entry, and that they shall not convey to be put on board, or taken in from any ship or vessel at sea, or on the coasts of this Province, any goods of any nature or kind whatsoever; which bond the respective treasurers shall take without fee or reward, the penalty of which, if forfeited, shall be applied and disposed of, one half to his Majesty for the use of this Province, and the other half to him or them that will inform and sue for the same; provided, that all suits or prosecutions for the recovery thereof, shall be commenced within six months after the offence committed, and not afterwards; and in case any owner or owners of any such coasting boat or vessel as aforesaid, shall neglect or refuse to give, or cause to be given, such bond as aforesaid, by the times hereinbefore directed, he, she and they respectively shall forfeit the sum of one hundred pounds proclamation money, one half of which shall be to the use of his Majesty, to be applied as the General Assembly shall appoint, and the other half thereof to him who shall inform and sue for the same in any court of record in this Province, by action, bill, plaint or information.

Penalty for
violating this
Act.

II. *And be it also enacted* by the authority aforesaid, That if any provision, ammunition, goods or merchandize, shall be taken on board or unloaded in any coasting boat, or in any other boat or vessel whatever, contrary to the true meaning of this Act, the same, together with the said boat or vessel in which the same shall be so found, with all its furniture, shall be forfeited and lost, unless a permit be first obtained for the purpose from his Excellency the Governor, or the collector of his Majesty's customs, one half to his Majesty for the use aforesaid, and the other half to him or them that shall inform, seize or sue for the same, and which shall be recovered in manner aforesaid.

Mode of ves-
sel's unloading.

III. And for the better ascertaining and more fully making known what are the limits and extent of the said ports of entry, and in order that ships and vessels bound to the said ports respectively, may come directly to their place of unloading, *It is hereby further enacted*, That the only place and time for shipping and discharging of all ships and vessels, goods and mer-

chandizes, at the said several ports, shall be at and upon the open wharfs of the said towns respectively, and between the hours of the sun's rising and the sun's setting. A. D. 1762.

IV. And whereas, ships and vessels may come into the said ports under pretence of distress of weather, or in order to victual and water, but in reality with a view of committing the frauds aforesaid, *Be it enacted* by the authority aforesaid, That every master or commander of any ship or vessel (other than negro vessels, or such as ought to perform quarantine) arriving in any of the said ports, and not coming up to the usual places of discharging within twenty-four hours after their entering into the same, unless apparently hindered by contrary winds or some other just impediment, shall receive on board one of the searchers or country waiters, upon pain of forfeiting fifty pounds proclamation money, to be recovered and applied as aforesaid; and the said searchers and waiters, in their several turns of duty, are hereby enjoined and required immediately after such time as aforesaid is elapsed, to visit, and for such waiters to stay on board such ship or vessel till the master or commander shall have made his report to the Governor, or collector of his Majesty's customs, and have given bond not to unload or take on board any thing whatsoever but what he shall have leave, in writing, from either of them, upon application made for that purpose for so doing; and every officer going on board any such ship or vessel shall, and is hereby entitled to, receive from the master or commander thereof, the sum of forty shillings current money, for every twenty-four hours he shall remain and continue on board. Searchers to go on board vessels.

V. And forasmuch as there are several rivers and inlets upon the coast of this Province at a considerable distance from the ports of entry, where no officers are appointed to make seizures if necessary, therefore, the more easily and effectually to carry into execution the provisions of the Acts of Assembly of this Province, by preventing or punishing such clandestine practices as aforesaid, *Be it further enacted*, That it shall and may be lawful for his Excellency the Governor, or the Commander-in-chief for the time being, by warrant under his hand and seal, to depute, authorize and empower such and so many persons, and in such places as he in his discretion shall think fit or expedient, to seize and secure any ship, vessel or boat, goods, merchandize, provisions or ammunition, liable by law to be seized; which person or persons so appointed shall have the same powers, and be entitled to the same privileges and advantages arising from any seizure they shall make, as any other officer appointed for the said several ports has or ought to have, and can or may claim; and provided the owner or owners of such boat or vessel shall be privy to the same, or if they do employ a slave to take charge of and navigate such boat or vessel, and in case the said offence shall be committed by the patroon or person having charge of such boat or vessel, being a white man, without the knowledge of the owner or owners, the person so offending shall be liable to a penalty of one hundred pounds proclamation money, and in failure of the payment thereof, to be committed to the common goal for the space of twelve months, without bail or mainprize. Smuggling, how to be prevented.

VI. *And be it also enacted*, That if any action or suit be brought against any person or persons for any thing done in pursuance of and under the authority of this Act, the same shall be commenced within six months after the fact committed, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff be non-suit, or discontinue his action, or verdict shall pass for the defendant, and if upon demurrer judgment be given against the plaintiff, the defendant shall have and recover treble costs of suit. This Act and the general issue may be pleaded.

A.D. 1762.

VII. And be it further enacted, That this Act shall continue and be in force for two years from the passing of the same, and no longer.

B. SMITH, *Speaker.*

In the Council Chamber, the 29th day of May, 1762.

Assented to: THO. BOONE.

No. 923. AN ACT IMPOWERING THE GOVERNOR, OR COMMANDER-IN-CHIEF FOR THE TIME BEING, TO AUTHORIZE THE IMPRESSING OF HORSES BY PERSONS CARRYING EXPRESSES.

Preamble.

WHEREAS, in times of public danger, and upon other extraordinary occasions, it may be necessary to send expresses to different and even the extreme parts of the Province, which may fail of the dispatch required for want of a power to impress horses to forward the same; and whereas, there is no law in being to authorize the doing thereof;

Governor may
issue warrants
for impressing
horses.

I. *Be it therefore enacted,* by his Excellency Thomas Boone, Esq., Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-chief for the time being, to sign and issue any warrant or warrants, authorizing and empowering the person or persons to whom the same shall be directed to impress, as occasion may require, one or more horses, for the more expeditious conveying any express he or they shall be appointed to carry, so as in the doing thereof no door be broken open, nor any horse be taken upon or with which any person shall be actually riding and travelling the road, nor be taken from any person that may be sent on any errand or that may be leading any horse on the road.

Directions to
be observed by
the person
impressing.

II. *And to prevent any abuses from being committed therein, Be it further enacted* by the authority aforesaid, That the person making use of such warrant shall be obliged to produce the same to the owner, overseer or manager from whom any horse shall be impressed, and shall, in his or their presence, and before he shall take away such horse, indorse upon the said warrant a description of such horse, the day when, and the name of the person from whom the same is taken, together with the value thereof, to be ascertained by any indifferent person, and so as such valuation does not intrinsically and bona fide exceed fifteen pounds proclamation money, or the value thereof in the current money of this Province.

Oath to be
taken.

III. *And be it also enacted,* That the person impressing any horse by the authority aforesaid, shall make oath before the Governor or Commander-in-chief for the time being, if thereunto required by him, when the horse or horses so impressed was or were respectively returned to the owner or owners thereof, at the place from whence the same was or were taken; and the Governor, or Commander-in-chief for the time being, shall deduct out of the sum agreed to be given to such express, the sum of three shillings proclamation money a day, for the hire or use of such horse or horses respectively, and also the value of such horse or horses as shall be either killed or lost; which sum or sums shall, by order from the Governor or Commander-in-chief for the time being, be paid by the public treasurer to such owner or owners respectively; and if the sum agreed for shall

Compensation
to the owners.

not be sufficient to discharge the same, the person impressing the same shall be liable to an action of the party on account thereof, if the same shall be killed or lost. Provided always, that any person carrying such express, and taking upon himself to impress or make use of any horse in other manner than is directed by this Act, without the consent of such owner, overseer or manager, shall be subject and liable to a penalty of four pounds proclamation money, to be recoverable by and paid to the public treasurer, to be applied to the uses of this Province, agreeable to the directions of the General Assembly, over and besides such damages as may be recovered at law against him by the owner thereof.

A. D. 1762.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of two years from the time of passing the same, and no longer. Limitation two years.

B. SMITH, *Speaker.*

In the Council Chamber, the 29th day of May, 1762.

Assented to: THOS. BOONE.

AN ACT TO PREVENT STEALING OF HORSES AND CATTLE, AND FOR THE MORE EFFECTUAL DISCOVERY AND PUNISHMENT OF SUCH PERSONS AS SHALL UNLAWFULLY BRAND, MARK OR KILL THE SAME. No. 924.

WHEREAS, the laws now in force in this Province are insufficient to prevent the stealing of horses, and the stealing and unlawfully branding, marking or killing of neat cattle, to the great detriment of the honest inhabitants of this Province; for the prevention of which evils, and for the more effectual discovery and punishment of such persons as shall be guilty of the same, we humbly pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency Thomas Boone, Esq., Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing this Act, all and every person and persons who shall be indicted and found guilty of stealing any horse or horses, mare or mares, gelding or geldings, colt or colts, filly or fillies, shall be adjudged and deemed felons, and shall suffer as such, without the benefit of the clergy. Horse stealing made felony.

II. *And be it further enacted*, That the justices of the peace for the time being, in the several counties in this Province, shall be, and are hereby appointed, toll masters, in their respective counties, with full power and authority to exercise within their several counties all and every the powers given them by this Act. Justices appointed toll masters.

III. *And be it further enacted*, That all persons bringing any horses, mares, geldings, colts or fillies from Georgia or the northern provinces, by land, into this Province, for sale, shall bring a voucher, under the broad seal, county seal or town seal of the respective province, county or town from which they are brought for sale, describing the notable flesh mark and brand thereof, upon pain of forfeiting the said horse to such person as shall sue or inform for the same. Vouchers to be produced of horses brought from other provinces.

IV. *And be it further enacted*, That from and immediately after the passing of this Act, all and every person and persons who shall be lawfully

A. D. 1762.

Penalty on killing, marking or disfiguring horses or neat cattle.

convicted of wilfully killing, marking or disfiguring any horses or neat cattle, shall be liable to a fine of twenty pounds proclamation money, for any horse, mare, gelding, colt or filly, or neat cattle, so killed, branded, marked or disfigured, and shall be kept close confined in the common goal of Charlestown, until payment is made of the same; and in case the person or persons so offending shall not have sufficient effects to discharge the said fine, he, she or they shall receive such corporal punishment, not extending to life or limb, as to his Majesty's justices, before whom he or she shall be convicted, shall seem meet.

Reward to persons informing.

V. *And be it also enacted*, That all and every person and persons informing and giving evidence against any of the said offenders, whereby he, she or they shall be convicted as aforesaid, shall be entitled to the sum of twenty pounds proclamation money for every person so convicted, to be paid by the public treasurer, upon a certificate of the justices before whom such offender was convicted; and if such informer or informers have been guilty of the same offence, or accessory thereto, he, she or they are hereby declared to be pardoned and absolutely acquitted for the same.

No slave to brand or mark horses or cattle.

VI. *And be it further enacted*, That it shall not be lawful hereafter for any slave to brand or mark any horses or neat cattle but in the presence and by the directions of some white person, under the penalty of being severely whipped, by order of any one or more of his Majesty's justices of the peace, before whom such offence shall be proved, by the evidence of any white person or slave.

Stray horses and cattle to be reported to a toll master,

VII. *And be it further enacted*, That all and every person and persons whatsoever, within this Province, into whose inclosed grounds, hands or possession, to his or their knowledge, any horses, mares, geldings, colts, fillies or neat cattle shall come, from and immediately after the passing of this Act, and the owner or owners of the same are unknown, shall, within twenty days after such horses and neat cattle, if the same shall so long continue to be in his, her or their possession, inform some toll master thereof, together with the best description he, she or they can obtain of the same, under the penalty of four pounds proclamation money for every such neglect; and upon every such information and description as aforesaid, the said toll master shall, under the penalty of forty shillings proclamation money, publish the same, with all convenient speed, in one or other of the newspapers, and at any place of divine worship in the parish where the said toll master resides, to be there continued three weeks; and if the owner or owners shall appear and prove his or their property in the same, to the satisfaction of the said toll master, he shall immediately deliver or give an order for delivery of such horse, mare, gelding, colt or filly, or neat cattle, to the said owner or owners, upon being paid the charges of the advertisements, and four shillings proclamation money for his further trouble, and also such charges and expenses as shall by the said toll masters be thought reasonable, to be paid to the person informing him of the said horses or neat cattle, or either of them, to be levied by warrant of distress, upon refusal; and if no owner appears within the term of six months, then and in such case it shall be lawful for the said toll master to sell or cause to be sold the said horses or neat cattle, at public outcry, to the best advantage, and the monies thereby arising, after deduction of the lawful charges, shall be paid into the hands of the public treasurer.

who shall advertise them.

If not claimed by the owner in six months, to be sold at public outcry.

Overseers to give information of strays.

VIII. *And be it further enacted*, That managers and overseers of plantations shall, within the time by this Act limited, give like information and description of strayed horses and neat cattle, to the toll masters, as the owners of such plantations are obliged to do, under the same penalties for such neglect as is inflicted upon the owners of plantations.

IX. *And be it further enacted*, That all penalties and forfeitures inflicted and incurred by this Act, not exceeding four pounds proclamation money, shall be recovered in such manner as is directed by an additional Act to an Act for the tryal of small and mean causes; and if above four pounds proclamation money, shall be recovered in any court of record in this Province, wherein no essoign, protection, wager of law, or more than one imparlance shall be allowed; one half of such penalties to the use of such person or persons who shall sue or inform for the same, and the other half to be paid into the hands of the public treasurer, for the uses hereinafter mentioned. A.D. 1762.
Penalties, how
to be recovered.

X. *And be it also enacted*, That all fines inflicted by this Act, and the moiety of the penalties and forfeitures not hereinbefore appropriated, and the sums arising from the sales of such horses or neat cattle as shall, for non-claim, be sold by the toll masters as aforesaid, after deducting the legal charges arising thereon, shall, from time to time, be paid into the hands of the public treasurer of this Province, as a fund to discharge the rewards promised by this Act; and shall, from time to time, be paid by him to such person or persons who shall be entitled thereto, upon conviction of any offender and certificate thereof by the justices aforesaid; and where the said fund shall prove insufficient for the purposes aforesaid, the public treasurer for the time being is hereby impowered and required to pay the said rewards out of such other funds as shall from time to time be directed by the General Assembly. Appropriation.

XI. *And be it further enacted*, That an Act of the General Assembly of this Province, passed the seventeenth day of February, one thousand seven hundred and four, entitled "An Act to prevent stealing of horses and neat cattle," be, and it is hereby, repealed. A former Act
repealed.

XII. *And be it further enacted*, That this Act shall continue of force for the space of five years from the passing thereof, and no longer. Limitation.

B. SMITH, *Speaker*.

In the Council Chamber, the 29th day of May, 1762.

Assented to: THOMAS BOONE.

AN ACT for raising and granting to his Majesty the sum of one hundred and sixty-two thousand one hundred and twenty pounds eleven shillings and three pence half penny, and applying thirty-eight thousand two hundred and twenty-six pounds fourteen shillings and seven pence, being surplus of taxes and the balance of several funds in the public treasury, making together two hundred thousand three hundred and forty-seven pounds five shillings and ten pence half penny, to defray the charges of this Government from the first day of January to the thirty-first day of December, one thousand seven hundred and sixty-one, both days inclusive, and for other services therein mentioned. No. 925.

(Passed May 29, 1762. Omitted.)

A.D. 1762.

No. 926. AN ACT FOR SUPPRESSING AND PREVENTING OF PRIVATE LOTTERIES.

Preamble. WHEREAS, many persons have presumed to set up lotteries, under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandizes and other things, by chances, which practices are highly prejudicial to the public, and to the trade of this Province, and tend to defraud his Majesty's subjects, we therefore pray your most sacred Majesty that it may be enacted,

£1000 fine for
selling lottery
tickets.

I. *And be it enacted*, by his Excellency Thomas Boone, Esquire, Captain General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all and every person and persons whatsoever, who, at any time after the passing of this Act, shall publicly or privately erect, set up, or expose to be played, drawn or thrown at, or shall cause or procure to be erected, set up, exposed to be played, drawn or thrown at any lottery, under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandizes or other things whatsoever, or for money, or by any undertaking whatsoever in the nature of a lottery, by way of chances, either by dice, lots, cards, balls, numbers, figures or tickets, or who shall deliver out or cause to be delivered out tickets, numbers and figures to any person or persons advancing money, to entitle them to a share of the money so advanced, or to any houses, lands, plate, jewels, goods, wares or merchandizes, or otherwise, to be determined by any lottery to be drawn out of this Province, or by the chances of the prizes in any other lottery, or shall sell or dispose of or cause to be sold or disposed of any tickets, numbers or receipts in any foreign or other lottery, or who shall make, write, print or publish, or cause to be made, written or published, any scheme or proposal for any of the purposes aforesaid, and shall be convicted of any of the offences aforesaid on any indictment for the same, at the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, shall forfeit the sum of one thousand pounds proclamation money, one third part thereof to his Majesty, his heir and successors, to be applied by the General Assembly for the use of this Province, one third part thereof to the informer, and the other third part thereof to the poor of the parish where the offence shall be committed; and shall also, for every such offence, be committed by the said court to the common goal, there to remain, without bail or mainprize, for the space of twelve months, and from thence until the said sum of one thousand pounds proclamation money shall be fully paid and satisfied.

£100 fine for
adventuring in
lotteries.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons who, after the passing of this Act, shall be adventurer or adventurers in, or shall pay any moneys or other consideration, or shall any way contribute unto, or upon account of any such sales or lotteries, shall forfeit for every such offence the sum of one hundred pounds proclamation money, to be recovered, with costs of suit, by action of debt or bill of indictment, in any of his Majesty's courts of record in this Province, wherein no essoign, protection, wager of law, or any more than one imparlance shall be allowed, one moiety thereof to his Majesty, his heirs and successors, to be applied as aforesaid, and the other moiety thereof to the person or persons who shall inform and sue for the same.

III. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of without pleading the same, by all judges, justices, magistrates and courts within this Province. A. D. 1764.

BENJAMIN SMITH, *Speaker.*

In the Council Chamber, the 13th day of September, 1762.

Assented to: THOS. BOONE.

AN ACT to empower certain Commissioners therein mentioned to keep clean and in good order and repair the Streets of Charlestown, and for establishing other regulations in the said town. No. 927.

(Passed August 10, 1764. *See last volume.*)

AN ACT for allowing an assistant to the Rector or Minister of St. Michael's Parish, Charlestown, for the time being; for settling an allowance or salary of two hundred pounds sterling per annum on the said assistant, and for settling the same allowance on the assistant of St. Philip's parish, for the time being, in lieu of the former salary of fifty pounds sterling and subscriptions allowed such assistant; for allowing two hundred pounds currency per annum, for the repairs of St. Michael's Church, and for enabling the Church-wardens and vestry for the time being, of St. Michael's parish, to sell the old and to purchase a new parsonage for the said parish of St. Michael's. No. 928.

(Passed August 10, 1764. *See last volume.*)

AN ACT FOR ENABLING THE CHURCH-WARDENS AND VESTRY OF ST. ANDREW'S PARISH, TO DISPOSE OF THE PEWS IN THE CHURCH OF THE SAID PARISH. No. 929.

WHEREAS, the church of St. Andrew's parish, which was lately destroyed by fire, is nearly rebuilt, and many persons have subscribed to the expence of rebuilding the same, but the pews in the said church, when completed, cannot be disposed of or titles for them made without the authority of a law, we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the honorable William Bull, Esq., Lieutenant Governor, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the church-wardens and vestry of the said parish, or a majority of them, shall and may, and they are hereby fully authorized and empowered to dispose of and make titles in fee simple for the said pews, to all and every person and persons who have contributed to the expence of rebuilding the said church, according to the rates of the said subscriptions, (that is to say,) that the persons who have contributed most to the said expence, shall have, if they have not already had, the first Church-wardens may sell pews.

A.D. 1764. choice of pews; and where several persons shall have contributed equally thereto, they shall draw, if they have not already drawn, lots, for the choice of the said pews.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 10th day of August, 1764.

Assented to: WM. BULL.

No. 930. AN ACT FOR PREVENTING AS MUCH AS MAY BE THE SPREADING OF THE SMALL POX.

Preamble.

WHEREAS, the disease or distemper commonly called the small pox is now raging at Savannah, in Georgia, and hath from thence been brought into a particular place, and may from thence be brought into and spread in many other places in this Province, to the great danger and injury of the inhabitants thereof, unless some timely precaution shall be taken to prevent the same, we therefore pray your most sacred Majesty that it may be enacted,

Persons coming from Georgia must bring bill of health.

I. *And be it enacted*, by the honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, now met in General Assembly, and by the authority of the same, That from and after fourteen days from the passing of this Act, it shall not be lawful for any person whosoever to come or be brought, either by land or by water, from the said Province of Georgia, into any part of this Province, without a certificate or bill of health from some magistrate in the said Province of Georgia, nearest to the place where the person so coming shall have for ten days before such coming resided, notifying or certifying, that no person or persons at such place, or within one mile thereof, for one month before, have had the small pox or any other contagious disorder; neither shall it be lawful for any such white person having such certificate or bill of health, after he or she have arrived in this Province, to pass or go from the place or places in this Province at which he or she shall first arrive, to any other place or places therein, except to the house or place of residence of the next justice of the peace in this Province, until he or she shall, before such magistrate, swear to the truth of such bill of health or certificate, and procure from such magistrate a certificate, under his hand, of having so done; and in case any person shall offend or do otherwise in the premises, or wilfully or knowingly permit or suffer any slave belonging to such person, or cause or procure any slave belonging to any other person, to offend, or to come from the said Province of Georgia into this Province, without such certificate as aforesaid, signed by one of his Majesty's justices of the peace in Georgia, and information shall be made thereof before any magistrate in this Province, such magistrate shall immediately thereupon issue his warrant to apprehend and bring such person before him or some other magistrate in the same county, and such person shall, upon being so brought, be bound over with sufficient sureties by recognizance to appear at, and on failure of giving such security, be committed to the common goal in Charlestown, until the next general sessions of the peace, oyer and terminer, &c., to be holden at Charlestown, and moreover shall, upon being convicted of having offended in the premises, either upon a bill of indictment or information to be

presented against him or her at such general sessions, forfeit and pay the sum of one hundred pounds proclamation money; and on failure of payment thereof by the next adjournment day of the said sessions, have sentence and judgment pronounced against him or her, to receive such corporal punishment, not extending to life or limb, as the justices or chief justice of the said court shall in their or his discretion think fit.

A. D. 1764.

II. *And be it further enacted* by the authority aforesaid, That the several clauses and paragraphs of this Act hereinbefore contained, shall continue and be of force until the first day of February next, and no longer.

Limitation of this Act.

III. And whereas, it may be extremely expedient and necessary, as well now as at all times hereafter, when the small pox shall or may be brought into this Province, to enjoin the persons at whose houses or plantations the same may be or be brought, and the persons having the care and management of such houses, to take such proper steps and give such notice to the other inhabitants in this Province as will best tend to prevent the spreading of the said disease, *Be it therefore enacted*, That where any person or persons shall be infected with the said disease in any house or upon any plantation in any part of this Province without the limits of Charlestown, every master, owner or other person having the care or charge of such house or plantation, shall immediately, upon discovery of such infection, fix, or cause to be publicly affixed, an advertisement, signifying that the small pox is at such house or plantation, in the high-way or public road nearest to such house or plantation, and the like advertisement at the church or chappel, or other place of public worship or resort, in the parish where such house or plantation lies; and in case such master, owner or other person having the care or charge of such house or plantation as aforesaid, shall neglect or refuse to fix or cause to be affixed such advertisement as hereby directed, each and every person so neglecting or refusing, shall forfeit for every such offence one hundred pounds proclamation money.

Masters or owners of houses to give notice where small pox exists.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That where any person or persons shall be infected with the said disease, in any house within the limits of Charlestown, when such distemper shall not have been publicly known to have been within the said limits within one month before, every master, owner or other person having the care or charge of such house, shall, immediately upon discovery of such infection, fix or cause to be publicly affixed at the State House and public vendue house in Charlestown, advertisements, signifying that the small pox is at such house; and in case such master, owner or other person having the care or charge of such house as aforesaid, shall neglect or refuse to affix or cause to be affixed such advertisements as are hereby directed, each and every person so neglecting or refusing shall forfeit, for every such offence, one hundred pounds proclamation money.

Advertisements to be affixed at the State House in Charlestown.

Penalty for neglect.

V. *And be it enacted*, That from and after the passing of this Act, it shall not be lawful to or for any person or persons whatsoever within this Province, without the leave of the Governor or Commander-in-chief for the time being, to be obtained with the approbation of the General Assembly if sitting, if not, with the approbation of the Council, of which public notice by proclamation shall first be given, to innoculate or ingraft, or to cause or procure to be innoculated or ingrafted, the said disease or distemper commonly called the small pox, in or upon him, her or themselves, or in or upon any other person or persons whatsoever, nor wilfully and knowingly to inflict or cause to be inflicted the said disease or distemper, nor to use any art, device or contrivance, or cause or procure to be used any art, device or contrivance whatsoever, or wilfully and knowingly

Persons not to inoculate for small pox without leave, &c.

A. D. 1764.



Proviso.

to do any act, matter or thing by which or by reason whereof the said disease or distemper of the small pox may be inflicted upon, given to or received by him, her or themselves, or any other person or persons who-soever within the Province aforesaid, or by which, or by reason whereof the infection of the said disease may be spread or communicated to any person or persons within this Province, under pain of forfeiting the sum of one hundred pounds proclamation money for every such offence, to be recovered and disposed of in the manner hereinafter directed and appointed: Provided nevertheless, that nothing herein contained shall extend or be construed to extend, to hinder or prevent any person whosoever in this Province, from inoculating for the said disease, after leave shall be obtained as aforesaid, by any other person for the purpose aforesaid, and until the Governor and Commander-in-chief for the time being shall, by proclamation, with the advice of Council, forbid all persons in this Province to cease from the practice of inoculation; and in case any person shall, after such proclamation made, act contrary thereto, every such person shall, for every such offence, forfeit and pay the sum of one hundred pounds proclamation money, to be recovered and disposed of in manner hereinafter directed.

Justices of the peace to take measures for preventing small pox.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any two or more of his Majesty's justices of the peace residing in any county in this Province, taking to their assistance the church-wardens of their respective parishes, and any one or more of the constables residing therein, to take such prudent, necessary and reasonable methods as they in their discretion shall think fit for preventing the further spreading of the infection, or hindering infected persons being brought within the limits of their respective parishes, the charge whereof shall be borne and defrayed by the public of this Province; and in case any person shall hinder, obstruct or prevent any of the said justices or church-wardens from proceeding and acting as is hereby directed and intended, every person so offending shall, for every such offence, forfeit and pay a sum of one hundred pounds proclamation money.

Punishment of offenders against this Act.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the offenders against this Act, for whom a corporal punishment hath not been hereinbefore provided, shall not be able to pay the penalties on them respectively inflicted, all and every such offender and offenders shall suffer three months imprisonment in the common goal in Charles-town, without bail or mainprize.

Penalties imposed by this Act, how disposed of.

VIII. *And be it further enacted* by the authority aforesaid, That all and singular the penalties and forfeitures imposed by this Act, shall be sued for within the term of three months after the offence shall be committed, and at no time after, and shall be disposed of in manner following, (that is to say,) one half to his Majesty, for the use of the poor of the parish where the offence shall be committed, and the other half to him or them who will inform or sue for the same, by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, privilege, injunction or wager of law shall be allowed or admitted, nor any more than one imparlance, any law, usage or custom to the contrary notwithstanding; and all and every person and persons who shall be sued or prosecuted for doing any thing in execution of this Act, shall and may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or prosecutor shall become non-suit, suffer a discontinuance, or a verdict or judgment shall pass against him, the defendant shall recover his treble costs of suit.

IX. *And be it further enacted* by the authority aforesaid, That the six last clauses of this Act shall continue and be in force until the end of three years from the passing of this Act. A. D. 1764.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 10th day of August, 1764.

Assented to: WM. BOONE,

AN ORDINANCE TO APPOINT MR. WILLIAM MASSEY, COUNTRY WAITER FOR THE PORT OF CHARLESTOWN. No. 931.

WHEREAS, Mr. Thomas Ballatine, late Country Waiter for the said Port of Charlestown, is dead, and it is necessary that some proper person should be appointed to execute the said office;

I. *Be it therefore ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That Mr. William Massey be, and he hereby appointed and declared, Country Waiter for the Port of Charlestown aforesaid, to all intents and purposes whatsoever.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 10th day of August, 1764.

Assented to: WILLIAM BULL.

AN ACT FOR BUILDING A CHURCH ON THE NEW GLEBE LAND IN ST. PAUL'S PARISH; AND FOR FINISHING AND KEEPING IN REPAIR THE ROAD LAID OUT FROM BEECH HILL TO SLANN'S ISLAND, AND FROM THENCE TO DAWHOO RIVER; AND APPOINTING COMMISSIONERS FOR THE PURPOSES AFORESAID. No. 932.

WHEREAS, there was an Act passed in January, 1766, for building a new church on the new glebe land in the parish of St. Paul, in Colleton county, but the commissioners therein named (not being at that time able to raise a sum sufficient for the purposes mentioned in the said bill,) caused the old chapel in the said parish to be placed on the said glebe land, as and for a church, which from the concourse of inhabitants and others resorting thereto, is become too small, confined and inconvenient, and is, moreover, in a very bad, dangerous and ruinous condition, and a new, spacious and commodious church, to be erected and built on the said new glebe land, is now absolutely necessary and wanting, for the religious and devout service of God, and the performance of divine worship and other ministerial duties; and whereas, the church wardens, vestry and inhabitants of the said parish of St. Paul, have by their petition to the General Assembly of this Province, not only represented the several matters aforesaid, but also that it will be of great ease and advantage to the said parish in particular, and to all the inhabitants of said Province, to have the road

Preamble.

A. D. 1764.

already laid out from the south to the north boundary of the said parish, (by virtue of an Act passed in May, 1757, and hereinafter repealed,) extended from Beech Hill road to Slann's Island, and from thence to Dawhoo river, and have prayed relief in the several matters aforesaid; we therefore humbly pray his most sacred Majesty that it may be enacted,

Church to be
built on new
glebe land.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a church shall be built on or near the new glebe land in the said parish of St. Paul, which church, when finished, shall be, and is hereby declared to be, the parish church of St. Paul, to all intents, constructions and purposes whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Commissioners
for building.

II. *And be it enacted* by the authority aforesaid, That Thomas Ferguson, Robert Williams, Thomas Hartley, Charles Elliott, Samuel Elliott, Francis Yonge, Benjamin Singleton, Joseph Stanyarne, jun. and Robert MacKewn, jun. be, and they are hereby appointed, commissioners for the building of the said church and setting up pews in the same; and they, or any five of them, are hereby fully authorized and empowered to take subscriptions and sue for the same, and to receive, gather and collect all such sum and sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the remaining commissioners, or any five of them, shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such person or persons so dying, absenting or refusing to act, as to the remaining commissioners or any five of them shall seem meet; and the person and persons so nominated and appointed, shall have the same powers and authority for the putting this Act and every matter and thing herein contained into execution, to all intents and purposes as the commissioners herein named.

Church to be of
brick.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, with the monies to be collected by the contributions as aforesaid, shall have power, and they are hereby authorized, empowered and required, as soon as conveniently may be, to build the said church of brick, and to set up pews in the same, in such manner as they shall think fit, which pews are hereby required to be made as equal in space as may be, and shall be disposed of in the manner following, that is to say, the persons who shall have contributed most toward building the church, shall be entitled to and have the first choice of the pews in the same; and in cases where it shall happen that several persons have contributed alike, such persons shall draw lots for the choice; and the said commissioners, or any five of them, are hereby empowered and required to convey the said pews to such persons, their heirs and assigns forever, by an instrument in writing, under their hands, to be drawn up and executed for that purpose; any thing herein contained to the contrary notwithstanding.

Distribution of
pews.

Commissioners
to complete a
road.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or any five of them, shall have full power and authority for finishing and completing the public road already laid out from the south to the north boundary of the said parish, that is to say, from Beech Hill to Slann's Island, and from thence to Dawhoo River, which road so laid out shall be completed, and when finished shall at all times hereafter be kept in repair by the male inhabitants from sixteen to

sixty years of age, living and residing within the said parish of St. Paul, in such manner and under the same penalties, as other public roads of this Province are completed and kept in repair by the commissioners for public roads.

A.D. 1764.

V. And whereas, many persons were defaulters by the said Act, passed in May, 1757, and hereby repealed as aforesaid, and did incur certain penalties imposed by the said Act which cannot now be recovered without a law for that purpose, *Be it therefore also enacted*, That the said commissioners hereinbefore named, or any five of them, shall have the same powers and authorities for the recovery of the said penalties by the said Act incurred, and hereinafter repealed, as the commissioners therein named had, ought, might or could have had; and the said last mentioned commissioners, or the survivors of them, are hereby authorized, directed, empowered and required to render to the commissioners named in and by this Act, or any of them, a true and just account of all persons defaulters under the said Act hereby repealed as aforesaid; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Defaulters under the former Act.

VI. *And be it further enacted* by the authority aforesaid, That the said Act of the General Assembly, passed the twenty-seventh day of January, 1756, and the said Act passed the twenty-first day of May, 1757, as aforesaid, so far as relates to the road aforesaid, be, and the same and every clause, article and thing therein contained, is hereby repealed, annulled and made void to all intents and purposes whatsoever.

Acts repealed.

RAWLINS LOWNDES, *Speaker*,

In the Council Chamber, the 25th day of August, 1764.

Assented to: WM. BULL.

AN ACT FOR LAYING AN ADDITIONAL DUTY UPON ALL NEGROES HEREAFTER TO BE IMPORTED INTO THIS PROVINCE, FOR THE TIME THEREIN MENTIONED, TO BE PAID BY THE FIRST PURCHASERS OF SUCH NEGROES. No. 933.

WHEREAS, an importation of negroes, equal in number to what have been imported of late years, may prove of the most dangerous consequence in many respects to this Province, and the best way to obviate such danger, will be by imposing such an additional duty upon them as may totally prevent the evils; we therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governor and Commander-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the first day of January, which will be in the year of our Lord one thousand seven hundred and sixty-six, there shall be imposed on and paid by every inhabitant of this Province and other person first purchasing, or if not sold, every person importing for his, her or their own use, any negro or other slave hereafter to be imported or brought into this Province, either by land or water, an additional tax or sum of one hundred pounds current money; provided, that nothing herein contained shall extend, or be construed to extend, to any person who shall come from any of his Majesty's plantations Additional duty on negroes.

A. D. 1764.

or colonies in America with their slaves, actually to reside in this Province; and provided nevertheless, that no person so coming in and actually residing in this Province as aforesaid, shall be allowed to sell all or any such slaves, within twelve months after such coming in or residing as aforesaid, without payment of the said duty.

Duty to be
paid to
the public
treasurer.

II. *And be it enacted* by the authority aforesaid, That the said tax or duty shall be secured, levied, collected and paid to the public treasurer, by the same persons, in the same manner, and under the same penalties and restrictions, as the tax or duty laid upon the first purchasers of negroes and other slaves by an Act of the General Assembly of this Province, passed the fourteenth day of June, in the year of our Lord one thousand seven hundred and fifty-one, commonly called the general duty Act, is secured, levied, collected and paid.

Duties to be
disposed of by
the Assembly.

III. *And be it further enacted* by the authority aforesaid, That all and every sum and sums of money, to be collected by virtue of this Act, shall be disposed of and applied as the General Assembly shall see fit.

General issue
may be plead-
ed.

IV. *And be it further enacted* by the authority aforesaid, That all and every person and persons who shall be sued or prosecuted for doing any thing in the execution of this Act, shall and may plead the general issue, and give this Act and the special matter in evidence; and if any plaintiff or prosecutor shall become non-suit, suffer a discontinuance, or a verdict shall pass against him, the defendant shall recover his treble costs.

Limitation
three years.

V. *And be it further enacted* by the authority aforesaid, That this Act and every thing herein contained, shall continue and be of force from the said first day of January, in the year of our Lord one thousand seven hundred and sixty-six, for and during the term of three years, and no longer.

RAWLINS LOWNDES, *Speaker*.

In the Council Chamber, the 25th day of August, 1764.

Assented to: WM. BULL.

No. 934. *AN ORDINANCE* TO REPEAL PART OF AN ACT ENTITLED "*An Act to regulate the Trade with the Cherokee Indians, by taking the same into the hands of the Public of this Province,*" AND TO IMPOWER THE COMMISSIONERS TO SELL AND DISPOSE OF SUCH GOODS AS ARE IN THEIR HANDS BY VIRTUE OF THE SAID ACT.

Preamble.

WHEREAS, an Act of the General Assembly, passed the twenty-ninth day of May, one thousand seven hundred and sixty-two, entitled "*An Act to regulate the trade with the Cherokee Indians, by taking the same into the hands of the public of this Province,*" hath, since his Majesty's royal proclamation, permitting and allowing private traders to go among them, been found not to answer the good purposes thereby intended; we therefore pray your most sacred Majesty that it may be ordained,

Act of May 29,
1762, repealed.

I. *And be it ordained*, by the honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That such part of the said Act entitled "*An Act to regulate the trade with the Cherokee Indians, by taking the same into the hands of the public of this Province,*" as relates

to the appointment of directors, and their carrying on a public trade with the Indians, shall from henceforth be, and the same is hereby, discontinued, annulled and repealed, to all intents and purposes whatsoever. A. D. 1764.

II. *And be it further ordained*, That Thomas Lamboll, Thomas Shubrick, Gabriel Manigault, John Savage and Thomas Smith, Esquires, the directors appointed in and by the said Act, or any two or more of them, shall, and they are hereby required, as soon as conveniently they can, from the passing of this ordinance, to sell or cause to be sold all the goods, wares and commodities in their hands by virtue of the said Act, in such manner as they or any two of them as aforesaid shall judge to be for the most advantage to the public, and make up and settle their accounts with the public treasurer of this Province, and shall pay to him the balance (if any there be) of any monies that shall remain in their hands, after deducting all charges and expenses which have been incurred in carrying the said Act into execution. Commissioners
to sell all goods
remaining in
their hands.

RAWLINS LOWNDES, *Speaker*.

In the Council Chamber, the 6th day of October, 1764.

Assented to: WM. BULL.

AN ACT FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF TWO HUNDRED AND TWENTY THOUSAND THREE HUNDRED AND SEVEN POUNDS SEVEN SHILLINGS AND THREE PENCE, AND APPLYING THIRTY-FOUR THOUSAND SIX HUNDRED AND TWENTY-FOUR POUNDS THIRTEEN SHILLINGS AND SEVEN PENCE, BEING THE BALANCE OF SEVERAL FUNDS IN THE PUBLIC TREASURY, MAKING TOGETHER TWO HUNDRED AND FIFTY-FOUR THOUSAND NINE HUNDRED AND THIRTY-TWO POUNDS AND TEN PENCE, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE FIRST DAY OF JANUARY, 1762, TO THE 31ST DAY OF DECEMBER, 1763, BOTH DAYS INCLUSIVE, AND FOR OTHER SERVICES THEREIN MENTIONED. No. 935.

WHEREAS, by a schedule made of the charges of this Government for the years one thousand seven hundred and sixty-two, and one thousand seven hundred and sixty-three, and for other services in the said schedule mentioned, it appears that the sum of two hundred and fifty-four thousand nine hundred and thirty-two pounds and ten pence, will be wanting for those purposes, for defraying whereof, we, his Majesty's most dutiful and loyal subjects the Commons House of Assembly of this Province, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty the said sum of two hundred and fifty-four thousand nine hundred and thirty-two pounds and ten pence, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, limited and appointed, and to and for no other use, intent or purpose whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That a tax or sum of two hundred and twenty thousand three hundred and seven pounds seven shil-

A tax of £220,
307, 7s. 3d. to
be levied.

A. D. 1764.

lings and three pence, current money of South Carolina, be imposed and levied on the several inhabitants and others interested in this Province, which, with the sum of thirty-four thousand six hundred and thirty-four pounds thirteen shillings and seven pence, being the balance of several funds in the public treasury, shall be applied to the use of his Majesty, for the support of this Government, in manner as is hereinafter mentioned.

Rate of taxation.

II. And for the more certain and effectual levying of the said sum of two hundred and twenty thousand three hundred and seven pounds seven shillings and three pence, *It is hereby enacted and declared*, That the sum of forty shillings current money per head shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of forty shillings per hundred acres on all lands throughout the said Province, town lots excepted; and the sum of twenty shillings per centum on the value of every such town lot, wharf and buildings, and other lands, within the limits of any town, village or borough, in this Province; the bounds of Charlestown to extend as far as the new fortifications from Ashley river to Cooper river; and the sum of twenty shillings on every hundred pounds owing to any person on bond or other specialty or note of hand bearing or including interest, over and above what they pay interest for; and at the rate of four pounds per centum on all monies arising from annuities; and the sum of forty shillings per head on all free negroes, mulattoes and mestizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of twenty shillings per centum on every person's stock in trade, (that is to say) wares, merchandizes and book debts of persons in trade, shopkeepers and others; and the like sum of twenty shillings per centum on the profits of all faculties, professions, (the clergy excepted,) factorage and handicraft trades, throughout this Province; to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information: Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish where such new settler resides, that he settled himself in this Province upon the encouragement given by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

Lands of new settlers exempted.

Taxables to render an account of their property, on oath.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves or moneys, for which they receive interest in this Province, (lands whereon any churches or other buildings for divine worship, or for free schools, are erected or built, and all slaves appurtenant to or going with such churches or lands, and all moneys appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the first Tuesday in January next ensuing, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the first Tuesday in January next; which oath or affirmation shall be in the words following, viz: "I, A B, do swear or

affirm, (as the case shall be) that the account which I now give in is a just and true account of all the lands and slaves, moneys I have upon bond or other specialty, or note bearing or including interest, (which I believe to be good,) over and above what I pay interest for, and annuities which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

A. D. 1764.

Form of the oath.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever shall be obliged to make return of his or her lands, slaves or moneys at interest, in the country, over and above what he or she pays interest for, and of his or her annuities, to the inquirers and collectors for the parish or district respectively where such person lives or resides, and pay the taxes thereon to the said inquirers and collectors. And the inquirers and collectors of all and every the parishes and districts in this Province respectively shall be, and they are hereby, authorized, empowered and required to issue executions against all and every person or persons in their respective districts who have not paid their just proportion of the preceding tax.

Executions to issue against persons not paying their taxes.

V. And whereas, there are divers tracts of lands, slaves, and monies at interest, in this Province, held, owned or claimed by persons not resident here, who pay no taxes or other charge towards the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, of all lands, slaves and monies at interest, belonging to such absent persons for whom they are attorneys or trustees; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act for such land, slaves or monies at interest, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the said collector respectively that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax. Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively where any lands lie which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and they and he is hereby, authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or other wood thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act; or, after six months public notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not

Attorneys and trustees of absent persons owning lands in the province, to pay the tax on the same.

Proviso.

Inquirers and collectors may lease such land or sell the timber, &c.

A. D. 1764.

exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every such sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary in any wise notwithstanding,

Lands of absent owners for which taxes are not paid in two years after notice given, declared forfeit.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of lands shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attornies, trustee or trustees, legally constituted, in this Province, then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said land rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing within this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof, from time to time, of the assessment made, shall not be paid to the inquirers, assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

Inquirers and collectors appointed.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned respectively, viz. for the parish of Christ Church, John Boone and Elias Wigfall; for the parish of St. James Goose Creek, John Channing, Henry Smith and Charles Faucheraud; and for that part of St. James Goose Creek near Amelia Township, Robert Witten; for the parish of St. Johns, in Berkley county, Peter Broughton, Daniel Ravenel, Jr. and William Floud; for the parish of St. George Dorchester, Samuel Hamlin, Archibald McNeil and John Waring; for the parish of St. Thomas and St. Dennis, John Dutarque, Jr., George Smith and Lewis Bochet; for the parish of St. Andrew, James Island excepted, Whitmarsh Fuller and Isaac Ladson; for that part of the said parish called James Island, Charles Odinsale; for the parish of St. John, Colleton county, viz. for John's Island, Anthony Mathews and Abraham Waigt; for Wadmelaw Island, John Sams; for Edisto Island, Benjamin Seabrook; for the parish of St. Paul, viz. for Stono and the east side of Pon-pon, Thomas Heartley, Morton Wilkinson and Andrew Maybank; and for Beach Hill, in the said parish, Josiah Perry; for the parish of St. Bartholomew, Adam Culliatt and Isaac Newton; for the upper district of St. Bartholomew, to wit, the north and west of Black Creek and the main waters of the Great Swamp, directly across to Pon-pon River, George Rents and William Hunter; for Combee and Chehaw, in the said parish, John Hunt and William Bellenger; for the parish of St. James Santee, Edward Jermain and Paul Douxsaint; for the parish of St. Stephen, Joseph Palmer and James St. Clair; for the parish of Prince George Winyaw, Elias Foissine, Jr. and John Smith; and for the Welsh Tract, James Sample; for the parish of Prince Frederick, William Hughes, Robert Weaver, Andrew Burnett and Samuel Cleg; for the

parish of St. Mark, Major Matthew Nelson, John Cantey, Jr., Claudias Pegues, Eli Kershaw, John Belton; for the parish of St. Helena, Port Royal, William Harvey, William Hazzard and David McKee; for the parish of St. Peter, Purrysburgh, John Walbougher and Archibald Bullock; for the parish of Prince William, David Toomer and Thomas Rutledge; for the town and township of New Windsor, upon Savannah River, Stephen's Creek and parts adjacent, George Galphin; for the township of Amelia and adjacent places, Major Wm. Thompson; and for Orangeburg, with the forks of Edisto River and the adjacent places, Gaven Pow; for the township of Saxe-Gotha and the forks between the Congaree and Wateree Rivers and adjacent places, Robert Goodin and Andrew Allison; and for the forks of Broad and Saluda Rivers, Zachariah Isbell and George Cogdall; and for the north side of Broad River and forks of Little River, William Turner.

A. D. 1764.

VIII. *And be it also enacted* by the authority aforesaid, That Thomas Savage, Thomas Stone, jun. and Joseph Dill, be, and they are hereby appointed inquirers for the parish of St. Philip and St. Michael, and that William Guerin, Robert Smyth, William Parker, Paul Townsend and Samuel Cardy, be, and they are hereby appointed assessors and collectors for the said parishes of St. Philip and St. Michael.

Assessors, &c.
for St. Philip
& St. Michael.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, or annuities in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in April next ensuing; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts and shall deliver the same on oath to the public treasurer for the time being, (who is hereby impowered and required to administer such oath,) and pay him all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown into the hands of the public treasurer, in pursuance of this Act, on or before the first Tuesday in May next ensuing; and the inquirers, assessors and collectors of each parish or district, shall make their return of such district respectively, to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, monies at interest and annuities, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed.

Taxes on real
estate, &c.When to be
paid.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, annuities, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

Penalty for
concealment.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, annuities, lands or slaves to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in January next at farthest, he or she shall be deemed a defaulter.

When deemed
a defaulter.

A. D. 1764.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

faulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, annuities, lands and slaves.

XII. *And be it enacted* by the authority aforesaid, That the inquirers for the parishes of St. Philip and St. Michael, are hereby ordered and directed, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities and money at interest of the said inhabitants, which they shall be possessed of, interested in or intitled unto in their own right, or in the right of any other person whatsoever, lying or being in the said parishes; and of all the lands and slaves which the said inhabitants are possessed of in their own right, or in the right of any other person without the limits of the said parishes, or in any other part of the Province; and the account of the real estates, slaves, money at interest, and annuities of the said inhabitants shall be returned to the said inquirers upon oath, in the manner herein before directed; and the said inquirers shall make and finish their inquiry and return the same to the assessors hereby appointed for the said parishes, on or before the first Tuesday in February next; and the said inquirers shall likewise extract and certify to the said assessors, all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitants of the said parishes in trust, for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, annuities and money at interest, returned in trust for persons living in the country, shall be reckoned as part of the country tax; provided always, that nothing herein contained shall extend, or be construed to extend, to give the said assessors any power or authority to rate or assess any goods, wares or merchandizes consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or money set apart for pious or charitable uses.


Proviso.

Persons over-rated may swear off the overplus.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attorneys, have reason to believe he or she is over-rated for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the guard house in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his or their attorney or attorneys, shall think they are over-rated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any one of them, are hereby empowered to administer such oath and to allow an abatement accordingly.

Oath to be administered by assessors and collectors to the inquirers.

XIV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates, slaves, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael; and also of all the real estates, slaves, annuities, monies at interest, returned to you by the said inhabitants which are belonging to persons not resi-

dent in either of the said parishes, according to the best of your knowledge: *A. D. 1764.*
So help you God." 

XV. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid, to the said assessors and collectors, of their own real estates and slaves, annuities, and monies at interest in this Province; and any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown the first Tuesday in February next, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits as aforesaid, or to adjourn to any other place in the said town as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in April next, and shall cause a duplicate thereof to be posted at the guard house in Charlestown, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted; and the said assessors and all the other assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate thereof gratis: "I, A. B., do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge: So help me God."

Inquirers to return their own property on oath.

Oath of assessors.

XVI. *And be it enacted*, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in May next; and the said assessors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Monies to be paid over to public treasurer.

XVII. *And be it enacted*, That the sum of three thousand seven hundred and forty-three pounds sixteen shillings and ten pence, appointed by the said schedule to this Act annexed, to be paid by the inhabitants of the parishes of St. Philip and St. Michael, shall be added to the sum to be collected for the poor rates, and shall be raised, collected and levied by the same persons, and in the same way and manner as the poor rates are raised, collected and levied on the inhabitants of, and others interested in, the said parishes, and shall be by the said persons paid into the hands of the public treasurer.

Quota of taxes to be raised in St. Philip and St. Michael.

XVIII. *And be it also enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her or their tax, at the days and times herein before mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days is fully elapsed, without further delay, levy the same by virtue of a warrant, by them, or any of them, to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges, or shall not make oath before the collector that he has not directly or indirectly conveyed away or removed his said goods or effects, whereon the money so assessed might be levied, to avoid payment

Penalty on neglect or refusal to pay taxes.

A. D. 1764.

of the said tax, and that he is not able to pay the same; which oath the said collectors are hereby respectively authorized and impowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz:

Form of the warrant.

"A. B., C. D., E. F., collectors of the general tax for the parish or precinct of ———, in ——— county: To G. H., constable of the parish or precinct of ———, or to the provost marshal of the Province of South Carolina, or to his lawful deputy. Whereas, J. K. hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of ———, the sum of ———, for ——— tax, for defraying the charges of the two preceding years, ending the thirty-first day of December, one thousand seven hundred and sixty-three, which ——— hath neglected to pay: these are, therefore, in his Majesty's name, strictly to charge and command you, to levy by distress and sale of the goods and chattels of the said J. K., the said sum of ———, together with the charges thereof; and in case the said J. K. shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said J. K. and ——— convey to the common goal in Charlestown, commanding you, the keeper of the said jail, to detain the body of the said J. K. in your custody until ——— shall pay the said sum of ———, together with the charges of keeping and detaining as aforesaid; and for so doing, this shall be your sufficient warrant. Given under our hands and seals this ——— day of ———, Anno Domini ———. A. B., C. D., E. F."

Fees of constables, &c.

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, six shillings; and for every pound to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; for the constable's returning home or carrying such defaulter to the common goal, from thence returning home, and mileage, at the same rate, and no more or any other fee or fees whatsoever; and the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Penalty for neglect to pay tax, &c.

XIX. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act, on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrants in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and shall be dealt with in all other respects as a defaulter.

XX. *And be it enacted*, That the public treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes

which are or were due, by any former law or Act of Assembly; and the same may be recovered by virtue of a warrant, under the hand and seal of the public treasurer for the time being, directed to the provost marshal or any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters. A. D. 1764.
Power of the public treasurer.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said inquirers and collectors and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come into the hands of his executor or administrators, or any executors in their own wrong, such executor or administrators shall pay the same by the time before limited, prior to all judgements, mortgages and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrators; and if any person, between the time of rendering the account of his or her estate, to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such persons will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed. Taxables dying or departing.

XXII. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void to all intents and purposes whatsoever. Fraudulent conveyances.

XXIII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor; provided, that such estate shall be in the possession of the mortgagee. Mortgagee liable to pay tax.

XXIV. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, marshal, constables and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of fifty pounds proclamation money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds proclamation money, to his Majesty, for the support of this government, to be recovered in any court of record in this Province. Penalty on officers for neglect.

XXV. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act or depart this Province before the powers and authorities hereby given them are executed, then his honor the Lieutenant Governor, or the Commander-in-chief for the time being, is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him so dying, refusing to act or departing this Province; and the person and persons so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated. Inquirers, assessors, &c. dying or departing.

A. D. 1764.

Public Treasurer impowered to grant executions.

XXVI. *And be it also enacted* by the authority aforesaid, That the public treasurer, and the public treasurer for the time being, be, and is hereby impowered and required, to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he is hereby required and directed to prosecute all and every person or persons whatever, neglecting or refusing to do and perform the several matters required by this Act for the recovery of the penalty inflicted by the same for any such refusal or neglect.

And to give certificates.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the balance in the funds aforesaid, shall be, and is hereby obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificates shall be first filled up, numbered and signed by the treasurer, and afterwards countersigned and returned to the public treasurer, by Samuel Brailsford, William Blake and Thomas Bee, Esquires, or any two of them, and they are hereby directed to keep an account in a book, of such certificates as they shall respectively sign; provided, that such certificates shall not be for less than five pounds, nor more than fifty pounds; and the said certificates shall be received in all payments to the public treasury until the last Tuesday in May, one thousand seven hundred and sixty-five, and no longer; and the said collectors of the tax shall take and receive the said certificates in payment of taxes, for the sums therein mentioned, from all persons tendering the same; provided also, that the possessors of the said certificates shall carry the same to the public treasurer to be exchanged, on or before the first day of November, one thousand seven hundred and sixty-five; and in case any certificates shall be outstanding after that day, the public shall not be liable to make provision for the same.

Proviso.

General issue may be pleaded.

XXVIII. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer or provost marshal, constable or other person shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

XXIX. *And be it further enacted* by the authority aforesaid, That the sum of two hundred and fifty-four thousand nine hundred and thirty-two pounds and ten pence shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise, that is to say:

SCHEDULE

Of the charges of this Government from the first day of January, one thousand seven hundred and sixty-two, to the thirty-first day of December, one thousand seven hundred and sixty-three, both inclusive, and for other services.

ALLOWANCES TO PUBLIC OFFICERS.

To the Clerk of the Council,	£ 624 00 00
To the Master in Chancery,	416 00 00
To Daniel Clement, Messenger of the Council,	189 01 03

To William Davis, as Door-keeper to the Council,	£ 332 13 04	A. D. 1764.
To William Davis, as Messenger to the Council,	83 06 08	
To Thomas Bromley, Esq. Clerk of the Assembly,	1248 00 00	
To the Messengers of the Assembly, £ 416 each,	832 00 00	
To the Commissary General,	832 00 00	
To the Clerk of the Board of Church Commissioners,	62 08 00	
To the Public Treasurer, his commissions on paying sundry sums of money,	125 15 00	
To the Agent in Great Britain, his salary,	1512 00 00	
For his bill of disbursements and other services,	1234 02 00	
To the Clerk of the Committee of Correspondence, from the 19th of May, 1762,	82 10 00	
The ordnance store keeper,	374 02 01	

HOUSE RENT FOR THE PUBLIC SERVICE.

To his Excellency the Governor,	1400 00 00
The Commissioners of the Free School in Charlestown,	520 00 00

WRITING AND PRINTING FOR THE PUBLIC SERVICE.

To the Clerk of the Council, for copies of the minutes of Council, entries in the Indian book, and copies of laws for the use of the Council,	2965 15 11
To the Clerk of the Assembly, for copies of journals, drawing bills, &c.	3827 13 03
To Thomas Sottowe, Esq. Sec'y. for fees due to the Governor and Secretary to the Governor, £ 172 2s. 6d.; to the Secretary, £ 188 11 03,	360 13 09
To John Murray, late Secretary,	397 09 06
To Jacob Motte, Esq. Public Treasurer, for this service,	612 01 00
George Johnston, for the like service,	21 12 00
Robert Williams, jun. for drawing a bill,	21 12 00
Peter Timothy, his account for printing,	3626 15 07
Robert Wells, his account for the like service,	736 08 07

TO BE RAISED BY PARTICULAR LAWS APPOINTING
THE SAME.

To the Public Treasurer, which he paid for session sermons,	60 00 00
Sinking two 5th parts of the orders for raising a regiment in 1760,	50,006 00 00
To sinking two 5th parts of the orders for paying the charges of the expedition under Governor Lyttleton, against the Cherokees,	98,677 05 00
To Daniel Doyley, Esq. Provost Marshal, for serving writs of election, summoning jurors and attending courts,	312 00 00
To Clement Lampriere, annuity on the militia law,	187 04 00
Thomas Gill, his annuity for several years,	235 16 00
The Treasurer advanced to the said Gill,	45 00 00

FOR FORTS AND GARRISONS.

To the Commander of Fort Johnson,	416 00 00
The Gunner of Fort Johnson,	449 12 00
Two quarter Gunners, at £8 per month, each,	399 02 06
Provisions for four men, at £25 per month,	206 00 00
The Gunner of Charlestown,	468 00 00
The Gunner of Craven's bastion,	206 00 00
The Gunner of Broughton's battery,	206 00 00
Bernard Beckman, his account for sundries,	23 04 05
William Roberson, ditto, for sundries for Broughton's battery,	11 01 03
James Laurence & Co, their account for this service,	545 11 04
David Brown, two accounts for flag staffs, &c.	87 10 04
Richard Milford, on an order of David M'Daniel, interpreter at Fort Prince George,	300 00 00
Jacob Motte, on an order of Hannah Campbell for provisions for Fort Loudoun,	24 03 03
Paul Townsend, on an order of George Drafts for carriage of provisions to Fort Prince George,	150 12 04

A. D. 1764.	Fotheringham & M'Neil, for a horse to carry soldiers' baggage to Augusta,	£ 16 04 00
	To Jacob Motte, Esq. for money paid the following persons :	
	David Donald, interpreter at Fort Prince George,	250 00 00
	Lieut. Dunnett, for repairs of Fort Moore,	567 05 00
	William Mansfield, for the same service,	132 15 00
	Wm. Hall, for making and painting gun carriages,	2319 10 00
	For the men's pay at Fort Johnson,	5023 19 00
	For several persons for transporting provisions to the out posts,	2764 00 00
	Several persons for fire wood,	3255 10 00
	To Andrew Williamson, for provisions furnished Fort Ninety-Six,	37 16 00

FOR THE PUBLIC ARMS.

To John Millner, for cleaning and repairing the public arms,	1544 .6 01
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FOR THE PRIVATE FRONTIER FORTS.

To Elizabeth Abernety, for provisions for Loyal's Fort,	25 09 09
John Loyale, ditto,	56 12 08
Ephraim Loyale, ditto,	8 18 02
Lucretia Mitcheson, ditto,	10 16 00
Elizabeth McKoy, ditto,	8 10 07
John Walker, ditto,	5 08 00
Bryan White, ditto,	20 10 04
George Bell, ditto,	30 00 09
Job Meadows, ditto,	10 13 07
To William Allison for provisions for Turner's Fort,	14 00 09
To Daniel Burnett, for the same service,	7 11 02
Jean Beary, ditto,	9 14 04
Joseph Hismon, ditto,	49 11 05
Robert Johnson, ditto,	24 14 06
John Jones, ditto,	16 03 06
Thomas Largen, ditto,	10 16 00
Robert Lang, ditto,	10 16 00
William M'Queen, ditto,	16 16 11
Charles Mitta, ditto,	9 14 04
John Nealy, ditto,	21 12 00
James Peale, ditto,	6 09 07
Richard Pendall, ditto,	10 16 00
Robert Smith, ditto,	10 06 03
Richard Tate, ditto,	17 12 00
Alexander White, ditto,	27 13 06
Thomas Largen, ditto,	18 08 06
Charles Mitta, ditto,	27 00 00
Charles Gray, for provisions for Pennington's Fort,	12 05 07
Paul Townsend, on Isaac Horsey's order, for the same service,	15 04 05
Thomas Adam, ditto, ditto,	12 09 05
John Garrett, ditto, ditto,	71 19 01
To Thomas Hughston, for two steers for Turner's Fort,	21 12 00
To Henry Brown, for provisions for Pearson's Fort,	24 16 09
To Thomas Brown for provisions for Helms's Fort,	21 01 03
Richard Tilwell, for the like service,	4 01 00
To Francis Fitchner, for provisions for Musgrove's Fort,	67 10 00
David Jenkins, for the same service,	31 17 02
Thomas Cox, ditto,	32 18 09
Isaac Cox, ditto,	10 12 06
To John Halsey, for provisions for Waggoner's Fort,	6 04 02
Jeremiah Rent, for the same service,	17 05 07
Susanah Kersey, ditto,	12 16 06
To John Lee, for provisions for Lee's Fort,	26 08 10
To John Marlow, on an order of John Johns, for provisions for Fletcher's Fort,	22 08 08
To Edward Nixon, for provisions for his Fort,	25 19 09

To Thomas Perry, for provisions for Brooker's Fort,	17 00 09	A. D. 1764.
Christopher Sewa, for provisions for Rawle's Fort,	62 04 01	
To William Raggent, for provisions for Fort William Henry, on Enoree River,	77 02 02	
Magnus Simeonson, for the same service,	14 17 00	
Mary Hallingsworth, ditto,	23 05 09	
Edward Musgrove, ditto,	32 07 04	
Jeremiah Williams, ditto,	4 06 04	
Mathias Weeker, ditto,	118 11 11	
Joseph Kelso, ditto,	10 10 06	
Obadiah Edwards, ditto,	10 10 09	
John Brown, ditto,	5 08 00	
Elizabeth Jackson, ditto,	6 03 09	
To Stephen Love, for provisions for Turner's Fort,	9 14 04	
Joseph McGlaskey, ditto,	13 10 00	

FOR THE FORCES.

To Rachel Russ, for fire wood,	35 02 00
John Harvey, for hay,	159 00 00
Thomson & Hunter, for a gun,	9 14 04
Burn & Cunningham, for carting fire wood,	28 03 09
James Henderson, for candles,	417 16 09
Sarah Bodie, for lodging an officer,	25 06 01
William Ellis, for house rent,	43 04 00
Capt. Thomas Goldsmith, for his lodging,	21 12 00
John Stephens, for sundries for his ransom,	43 06 07
The Church-wardens of St. Philip's parish, for the support of soldiers,	
soldiers' widows and orphans,	2149 10 02
John Marley, for carting,	36 19 09

FOR THE SCOUTS FROM THE MILITIA.

To Edward Perry, for provisions,	28 01 07
Robert Adams, for the same,	6 09 07
Edward Perry, ditto, (a second account,)	28 00 00
James Sample, ditto,	3 04 09
Philip Thomas, ditto,	5 08 00
Gasper Agerman, ditto,	3 15 00
John Martin, ditto,	8 07 04
Samuel Davis, ditto,	6 09 07
Hugh Douse, ditto,	27 14 01
Abraham Gindra, ditto,	4 05 04
William Glover, ditto,	92 10 03
Thomas Jones, ditto,	12 10 07
Jane Melvin, ditto,	10 16 00
To Michael Keltizen, upon an order of Farris Ruly, for a horse impressed,	37 16 00
Hans McCulloch, for the same service,	8 16 09
James Swansey, ditto,	27 00 00
William Mason, ditto,	36 03 06
John Garnier, ditto,	65 17 07
Alexander Rantole, ditto, and other services,	83 08 07
Isaac Weatherly, for provisions and negro hire,	18 09 09
John Kelsall, for negro hire,	4 08 00
Francis Sample, for provisions	1 12 04

FOR EXPRESSES.

To John Marsh, for a horse employed on this service,	3 04 09
Andrew Williamson, for the same service,	75 12 00
Benedict Kurm, ditto,	57 04 09
James Land, ditto,	43 04 00
Thomas Langley, ditto,	16 04 00

A. D. 1764.

FOR THE SCOUT BOATS.

To John Joyner, for his pay as commander of a scout boat two years,	624 00 00
Edward Tucker, commander of a scout boat, his pay 1 year and 6 months,	474 00 00
Twelve men for Captain Joyner's boat, two years,	3594 04 09
For their provisions, at £28 per annum each,	757 02 04
Twelve men for Captain Tucker's boat 1 year and 6 months,	2730 04 09
For their provisions, at £28 per annum each,	575 02 04
Francis Stewart, for freight of bread,	16 14 09
John Joyner, for sundries,	45 04 00

FOR LOOK OUTS.

To Simon Tuffs, for freight of cannon to Bull's Island,	27 00 00
Eight look outs, each consisting of three men at £12 per month, for fourteen months,	4308 09 00

FOR PAROCHIAL CHARGES.

To the church-wardens and vestry of the parish of St. Thomas and St. Dennis, towards building the chapel at Pompion Hill,	1400 00 00
The church-wardens and vestry of the parish of St. Andrew, towards rebuilding the parish church,	1500 00 00
The Rev. Mr. Abraham Immer, for three years house rent,	123 04 00
The church-wardens and vestry of Prince George's parish, for maintenance of Accadians,	75 12 00

FOR CORONER'S INQUESTS.

To James Simmons for holding three Inquests,	32 08 00
Estate of Alexander Steward, one ditto,	10 16 00
Moses Thompsonson, one ditto,	10 16 00
John Bull, fourteen ditto,	151 04 00
Abraham Carradine, one ditto,	12 10 00
William Mason, six ditto,	60 00 00
Edward Skeene, one ditto,	10 00 00
Moses Thompson, one ditto,	15 00 00
Joseph Carry, seven ditto,	75 12 00
John Cassells, one ditto,	13 10 00
To John Thomas, Constable, for summoning jurors,	8 12 09
Lewis Ulmer, for the same service,	7 03 00
Benjamin Sims, ditto,	34 17 08
Mark Anthony Besellen, ditto,	11 06 09
John Burgess, ditto,	7 11 08
Benjamin Every, ditto,	26 04 04
John Handaside, ditto,	39 03 00
Jacob Viart, ditto,	29 02 08

FOR INDIAN EXPENCES.

To Judith Postell, for entertainment of Indians,	16 09 04
Alexander Petrie, on an order of Alexander Butler, for the same service,	105 06 00
John Robinson, ditto,	34 06 04
Bernard Sea, ditto,	14 00 09
Adam Sheekal, ditto,	41 00 09
William Scott, ditto,	10 12 06
Peter Witten, ditto,	28 15 01
Ward & Leger, ditto, (on an order of David Webb,)	3 12 10
Ward & Leger, ditto,	3 05 04
John Burdell, ditto,	3 12 10
The Commissary General, for the same service,	923 02 01
John Evans, ditto,	5 13 05
David Webb, ditto,	19 02 04

To Stead & Wilson, for entertainment of Indians,	£ 12 19 02	A. D. 1764.
To Patrick Troy, on an order of Alexander Teal, for the like service,	4 01 00	
Thomas Bostick, ditto,	7 14 00	
Martin Seiseler, ditto,	2 08 07	
James Sharp & Co. ditto,	19 00 00	
Joseph Kershaw & Co. ditto,	38 05 00	
Jeremiah Lamar, ditto,	22 10 00	
Alexander Noble, two accounts, ditto,	97 17 06	
Moses Powle, ditto,	41 05 00	
Joseph Swearingham, ditto,	110 17 06	
Josiah Cantey, ditto,	25 07 07	
Susannah Ball, ditto,	7 19 06	
Richard Baldrick, ditto,	6 04 03	
Mary Cannon, ditto,	3 04 09	
Liston, Benfield & Jones, ditto, (on an order of A. Campbell,)	55 12 04	
Archibald Campbell, ditto,	2 16 06	
William Dargen, ditto,	11 09 05	
Daniel Droze, ditto,	50 04 04	
Henry Gallman, ditto,	59 05 03	
Sarah Nightingale, ditto,	95 18 07	
Edward Mortimer, ditto,	39 16 08	
John Hurst, ditto, (2 accounts,)	98 10 00	
Conrad Hallman, ditto,	19 03 04	
Richard Hainsworth, ditto,	57 08 03	
John Keason, ditto,	55 07 06	
John Lee, ditto,	16 04 00	
Edward Legg, ditto,	32 06 00	
Lachlan McIntosh, ditto,	414 14 04	
William Martin, ditto,	24 00 06	
Mary Owen, ditto,	26 08 09	
John Dargen, for ferrage,	5 18 09	
Thomas Nightingale, for saddler's work,	184 18 02	
John Dodd, for gunsmith's work,	58 11 09	
James Lingard, for blacksmith's work,	9 17 00	
Paul Townsend, on an order of George Stroup, for carriage of presents to Fort Prince George,	108 00 00	
McCartan & Campbell, on an order of Richard Henderson, for carriage of presents to the Creeks,	51 16 09	
To Brewton & Smith, for Indian presents,	307 02 06	
Woodrop & Douxsaint, ditto,	12 19 02	
McCartan & Campbell, ditto,	17 00 02	
Richard Lambton, ditto,	207 18 00	
Thomas Adam, ditto,	33 09 07	
Newell, Davis & Ancrum, ditto, (for balance of their account,)	679 18 02	
Jacob Motte, Esq. Public Treasurer, advanced by him for Indian expenses, to the following persons; viz.		
To Elias Houser, Cherokee keeper,	57 00 00	
Paul Townsend, hire for a waggon to bring down prisoners,	63 00 00	
McCartan & Campbell, for presents for the Chickesaws,	1233 04 04	
Newell, Davis & Ancrum, for Indian presents,	4445 19 07	
Captain Colbert, who attended the Chickesaws,	256 08 07	

FOR CHARGES ON THE EXPEDITION UNDER GOV. LYTTLETON.

To Ward & Leger, on an order of Robert Givens, for a horse pressed on the said expedition,	16 04 00
The estate of George Marratt, for 2 horses, for the same service,	41 00 09
John Cheesboroug, 1 do. do.	43 04 00
William Dargan, 1 do. do.	32 08 00
William Tyffe, 1 do. do.	21 13 00

A. D. 1764.

Christopher Wilkinson, for pay, for the same service,	-	-	-	26 15 08
Abraham Pennington, a waggon for ditto,	-	-	-	415 16 00
Joseph Port, for driving cattle, ditto,	-	-	-	14 09 00
Garrard Jeffers, for sundries, do.	-	-	-	112 01 00
Shackleford & Lupin, do. do.	-	-	-	359 12 06
J. & A. Miller, do. do.	-	-	-	12 19 02
Charles Richebourgh, for a horse, do.	-	-	-	12 19 02
Abraham Messhen, for provisions, do.	-	-	-	12 19 02

FOR CRIMINALS.

To the Chief Justice, (fees on prosecuting them,)	-	-	-	400 13 05
The Clerk of the Crown,	-	-	-	409 00 02
Daniel Doyley, Provost Marshal, for subsistence of prisoners,	-	-	-	1833 14 03
David Græm, Esq. Attorney General, fees on the prosecuting of prisoners,	-	-	-	931 00 00
James Donnavan, for attendance and necessities for sick criminals,	-	-	-	100 00 00
Augustus Johnne, for attendance and medicines for sick prisoners,	-	-	-	142 00 00
William Loocock, for the like service,	-	-	-	88 15 00
John Benson, constable, for conveying prisoners to gaol,	-	-	-	12 10 00
Michael Mintz, for the same service,	-	-	-	20 00 00
Charles McKay, ditto,	-	-	-	10 00 00
Cornelius Hide, ditto,	-	-	-	43 16 04
Thomas Anderson, ditto,	-	-	-	20 00 00
Cornelius Hide, ditto, (a second account)	-	-	-	22 03 09
William Staggs, ditto,	-	-	-	23 02 06
Benjamin Simms, ditto,	-	-	-	28 15 00
William Thompson, ditto,	-	-	-	10 00 00
Strebelay John, ditto,	-	-	-	10 00 00
William Meyer, ditto,	-	-	-	14 10 00
John Carradina, ditto,	-	-	-	3 05 03
Roger Paget, ditto,	-	-	-	2 01 04
Adam Hilia, ditto, (two accounts)	-	-	-	25 00 03
Philip Howell, ditto,	-	-	-	6 15 08
John McIntosh, ditto,	-	-	-	17 00 00
The Public Treasurer, paid,	-	-	-	589 11 04
John James Shulager, for apprehending a criminal,	-	-	-	4 14 06

FOR CRIMINAL SLAVES EXECUTED.

To Thomas Elf, for a slave executed,	-	-	-	205 04 00
Emanuel Abrahams,	-	-	-	10 16 00
Estate of William Coomer,	-	-	-	120 00 00
Thomas Smith, Jr.	-	-	-	80 00 00
Charles Bedingfield, on an order of John Bedingfield,	-	-	-	216 00 00
The estate of Hugh Dowse,	-	-	-	216 00 00
Fotheringham & McNeil,	-	-	-	216 00 00
Henry Filder,	-	-	-	216 00 00
William Fytte,	-	-	-	200 00 00
The Churchwardens of St. George's Parish,	-	-	-	216 00 00
Jacob Motte, on an order of Joseph Shute and Benjamin Joy,	-	-	-	140 08 00
Benjamin Smith, for Paul Jenys, deceased,	-	-	-	200 00 00
Benjamin Smith, on an order of Antony White,	-	-	-	216 00 00
Austin & Laurens,	-	-	-	216 00 00
Micajah Williams,	-	-	-	216 00 00
Joshua Screven,	-	-	-	216 00 00
John Edwards, for gibbet irons,	-	-	-	15 19 09
Christopher Holson, warden of the work-house,	-	-	-	11 00 00

CONSTABLES FEES ON THE TRIAL OF SLAVES

To Joseph Day, two accounts for fees, on trial of slaves,	-	-	-	31 01 02
Joseph Jones, for the same service,	-	-	-	62 06 00
Thomas King, ditto,	-	-	-	9 00 10

To Maurice Harvey, (on an order of John Postell,) for fees on the trial of slaves,			£54 04 00	A. D. 1764.
Samuel Richbourg,	ditto,	(three accounts,)	19 06 10	
John Steley,	ditto,	- - - - -	6 07 01	
John Molet,	ditto,	(four accounts,)	56 05 03	
William Bennett,	ditto,	- - - - -	18 00 00	
William Bonneau,	ditto,	- - - - -	28 03 00	
Joseph Day,	ditto,	- - - - -	22 17 03	
George Farrington,	ditto,	- - - - -	21 15 00	
Andrew Hilton,	ditto,	- - - - -	19 10 00	
John Ripauf,	ditto,	- - - - -	21 04 00	
Abraham Shadd,	ditto,	- - - - -	29 09 06	
Francis Vauchier,	ditto,	- - - - -	11 07 09	
James Amos,	ditto,	- - - - -	21 09 06	
William Borneau,	ditto,	- - - - -	19 19 07	
James Bernard,	ditto,	- - - - -	8 12 09	
William Cooper,	ditto,	- - - - -	6 13 04	
John Dandridge,	ditto,	- - - - -	11 00 00	
Stephen Guery,	ditto,	- - - - -	10 10 09	
James Graves,	ditto,	- - - - -	13 10 09	
David Batchelor,	ditto,	(two accounts,)	46 19 06	
Michael Wornel,	ditto,	- - - - -	21 09 03	
Nath'l. Breedlove,	ditto,	(five accounts,)	79 08 10	
Samuel Richbourg,	ditto,	- - - - -	8 12 09	
Daniel Williams,	ditto,	- - - - -	30 15 07	
John McIntosh,	ditto,	- - - - -	9 12 06	
John Stehelay,	ditto,	- - - - -	10 00 00	
Nath'l. Breedlove,	ditto,	- - - - -	4 06 04	

FOR THE PUBLIC BUILDINGS.

To Wm. Davia, keeper of the State House, his salary, £208; his account for sundries, £12, 4s.,	220 04 00
Jonathan Badger, keeper of the Assembly, for his salary and sundries,	140 16 03
John Braund, for sundries for the barracks,	67 12 02
John Braund, barrack master, for his salary,	416 00 00
William Hall, for repairs of the barracks,	702 00 00
John Burrows, for the like service,	53 03 09
Benjamin Harvey, for his salary and disbursements for the State House,	62 10 00
John Davidson, for sundries for the Watch House,	4 03 09
The Estate of Daniel Clements, for sundries,	78 05 00
James Lingard, for iron work,	9 17 00

SUNDRIES TO BE PAID BY THE INHABITANTS OF CHARLESTOWN.

To the keeper of the fire engines, viz.:	
To William Banbury, for disbursements for the engines,	26 09 04
James Verree, for the same service,	189 17 06
Richard Moncrief, ditto,	135 16 00
Barnard Backman, ditto,	420 18 09
George Sheed, ditto,	155 15 00
William Hall, ditto,	48 06 03
John Perdrieau, for repairs of the engines,	26 04 03
To the Fire Masters of Charlestown, for sundry disbursements,	238 03 02
To the Commissioners of Roads for St. Philip's,	100 00 00
To make up the deficiency of the fund for the town watch,	1002 06 07
To the Commissioners of the Streets of Charlestown,	1400 00 00

EXTRAORDINARY CHARGES.

To Samuel Perkins, for sundries for the fortifications, and Colonel Middleton's regiment,	118 04 06
Paul Trapier, for maintenance of Accadians,	28 01 07

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William Crook, for the like service,	£ 75 12 00
Samuel Jeans, ditto,	12 19 03
James Holmes, for pay as a ranger,	118 08 00
David Stoll, for Iron work for gun carriages,	847 09 06
Burn & Cunningham, for the rent of a store, for the use of an armed vessel fitted out by this Province,	18 09 03
The estate of Thomas Balantine, for the like service,	83 04 05
Paul Townsend, on an order of Nicholas Tedrelph, for a horse to draw cannon from the Cherokees,	7 11 03
John Burgess, for making and painting constable's staffs,	123 05 00
Christopher Holson, for confinement and provisions for Christopher Lloyd, a lunatic,	44 11 03
Mary Adamson, widow, annuity for herself and two children,	312 00 00
Mary Morrison, widow, annuity for herself and three children,	416 00 00
Negro Sampson, annuity for discovering a cure for the bite of a Rattle Snake,	104 09 00
To the Public Treasurer, paid the Commissary General for extraordinary services,	233 06 08
The same, for cash paid Richard Moncrief,	63 00 00
The same, paid James Linock,	46 11 00
The same, for cash advanced William Elliott,	50 00 00
The same, for cash paid into the hands of Messrs. Mazyck & Roper, for Accadians,	1300 00 00
The same, for cash advanced for raising the recruits which were sent to General Amherst,	2284 04 06
To Christopher Holson, for fees at the Work House,	58 18 09
The Clerk of the Committee of Correspondence, for extraordinary services,	350 00 00
Wm. Maine, for surveying certain lands in dispute between this Province and Georgia,	159 01 08
Owen Bowen, for the like service,	139 06 04
Samuel Carly, in full of all demands, for building St. Michael's Church,	8000 00 00
The Commissioners of St. Michael's Church, to pay the costs in their suit with Samuel Carly,	410 00 00
For contingencies,	1000 00 00
	£254,932 00 10

RAWLINS LOWNDES, *Speaker*.*In the Council Chamber, the 6th day of October, 1764.**Assented to:* WM. BULL.

No. 936. AN ACT TO REVIVE AND CONTINUE FOR THE TERM THEREIN LIMITED, SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE.

Preamble.

WHEREAS, several good and wholesome laws of this Province are expired, and others near expiring, which are necessary to be revived and continued for some time; we therefore humbly pray his most sacred Majesty that it may be enacted,

Former Acts revived and continued.

I. *And be it enacted*, by the honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, and by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That an Act intituled "An Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act intituled 'An Act for

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the further security and better defence of this Province," passed the thirteenth day of June, in the year of our Lord one thousand seven hundred and forty-seven; and also a clause for amending the said Act for the better regulating the militia of this Province, contained in an Act intituled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned, and for amending one of the said Acts intituled an Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act intituled an Act for the further security and better defence of this Province," passed the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five; and also an Act intituled "An Act to regulate the price and assize of bread," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and forty-nine; and an Act intituled "An Act for regulating the making of dams or banks for reserving water, where the same may affect the properties of other persons," passed the twenty-ninth day of March, in the year of our Lord one thousand seven hundred and forty-four; and also an Act intituled "An Act for the establishment of a market in the parish of St. Philip, Charleston, and for preventing ingrossing, forestalling, regrating and unjust exactions in the said town and market," passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine; and an Act intituled "An Act for making more useful Fort Johnson and Fort Frederick, and the several look-outs that now are, or shall hereafter be, kept or established near any of the inlets in this Province," passed the fifth day of April, in the year of our Lord one thousand seven hundred and forty; and also a clause relative to boats and vessels passing Fort Lyttleton, contained in an Act intituled "An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, and for amending some of the said Acts in the manner herein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine; and an Act intituled "An Act for rendering and making the office of a constable more easy and less expensive to the persons appointed," passed the eighth day of March, in the year of our Lord one thousand seven hundred and forty-one; and also an Act intituled "An additional Act to an Act intituled an Act for the better regulating taverns and punch houses," passed the eighth day of March, in the year of our Lord one thousand seven hundred and forty-one; and a clause contained in an Act intituled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine, "impowering the Governor or Commander-in-chief of this Province, for the time being, with the advice and consent of his Majesty's Council, to limit the number of tavern licences to be granted in this Province, whenever it shall be necessary;" and also an Act intituled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire wood, and to regulate the weighing of the several commodities and merchandize in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and an Act intituled "An Act for the better establishing and regulating of patrols in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also an Act intituled "An Act for licensing hawkers and pedlars and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven; and an Act

A.D. 1765. intitled "An Act concerning masters and apprentices," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and forty; and also an Act intitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," passed the seventh day of May, in the year of our Lord one thousand seven hundred and forty-three; and an Act intitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty; except such parts of the last above mentioned Act as were repealed, altered or amended by a subsequent Act, intitled "An Act to prevent the inveigling, stealing and carrying away negroes and other slaves in this Province, and to prevent the carrying away of schooners and pettyaugas, and also for repealing so much of an Act intitled an Act for the better ordering and governing negroes and other slaves in this Province, as relates to the time in which offenders that are apprehended shall be tried, and giving the justices and freeholders a power to postpone the trial of offenders," passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four; and by another Act intitled "An additional Act and explanatory Act to an Act of the General Assembly of this Province intitled an Act for the better ordering and governing negroes and other slaves in this Province, and for continuing such part of the said Act as is not altered or amended by this present Act for the term therein mentioned," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also an Act intitled "An Act for appropriating the duties imposed by law on goods, wares and merchandizes imported into, and exported out of, the port of Beaufort, Port Royal, for the term therein mentioned, toward building and keeping in repair a pilot boat or boats to attend the bar of the harbour of the said port, and for the better settling and regulating the pilotage of the said harbour, and for appointing a comptroller and a receiver of the country duties for the said port, and for obliging all ships and other vessels trading to the said port, to pay powder money," passed the sixteenth day of May, in the year of our Lord one thousand seven hundred and fifty-two; except such parts of the said Act as relate to the appointment of such comptroller and receiver; and an Act intitled "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this Province relating to discounts," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and also an Act intitled "An Act to restrain and prevent the too frequent sales of goods, wares and merchandizes by public auction or out-cry in Charlestown, and for the better regulation of such sales," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and an Act intitled "An Act for preventing, as much as may be, the spreading of malignant and contagious distempers in this Province, and for repealing the former Acts and paragraphs of Acts, heretofore made for that purpose," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and also an Act intitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Province, such part of an Act made in the Parliament of Great Britain in the second year of his present Majesty's reign, intitled "An Act for the relief of debtors with respect to the imprisonment of their persons," as is thereafter mentioned, and to repeal the several Acts of Assembly now of force in this Province for the relief of insolvent debtors," passed the seventh day of April,

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in the year of our Lord one thousand seven hundred and fifty-nine; and an Act intituled "An Act for establishing and regulating the artillery company, which was formed out of the militia in Charlestown," passed the thirty-first day of July, in the year of our Lord one thousand seven hundred and sixty; and also an Act intituled "An Act for the establishing, keeping and maintaining a watch company for preserving good orders and regulations in Charlestown," passed the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and sixty-one; and such part of an Act intituled "An Act for appointing commissioners to lay out a road or causey over Lynch's Island, situate in Santee River, and for establishing the ferries therein mentioned," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, as relates to the ferries established by the said Act; and also an Act intituled "An Act for amending an Act intituled an additional and explanatory Act, to an Act intituled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys and cleansing of water passages in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one, except such parts of the same as were repealed, altered or amended, in and by two other subsequent Acts, passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four, the one intituled "An Act for ascertaining the district for cleansing, cutting and keeping in repair the creek or cut commonly called the Hawl-over," and the other intituled "An Act appointing commissioners for repairing and keeping in repair the bridge over Combahee river, from the causey to the town of Radnor, and commissioners for rebuilding and keeping in repair the bridge over Wappoo Creek, in the parish of St. Andrew, and declaring the said bridge, and Hooper's bridge in the said parish of St. Andrew, to be parish bridges, and appointing commissioners for the said bridge;" and an Act intituled "An Act for the better restraining of seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also an Act intituled "An Act for repealing an Act passed the seventh day of October, in the year of our Lord one thousand seven hundred and fifty-two, amending the sixth and seventh paragraphs of the Act commonly called the general duty Act," passed the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and sixty-one; and an Act intituled "An Act appointing Charles Garth, Esq. agent to solicit and transact the affairs of this Province in Great Britain," passed the nineteenth day of May, one thousand seven hundred and sixty-two, be, and they are hereby declared to be, revived, continued and enacted, to be of full force and virtue, for and during, and unto the full end and term of three years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

II. And whereas, several of the said Acts, by the last prorogation of the General Assembly, on the eighth day of January in this present year, one thousand seven hundred and sixty-five, became expired, and null and void, whereby if provision be not made to prevent it, actions and suits at law, accrued or brought, and defences made or pleaded, and other proceedings had pursuant to, under or by virtue of the said Acts, or some of them,

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may be defeated, discontinued, annulled or made void and of no force, to the great prejudice of many of his Majesty's subjects, *Be it therefore further enacted* by the authority aforesaid, That all suits and actions given, accrued, commenced or brought under or by virtue of the said Acts, or any one or more of them, and all defences, pleadings and proceedings had, made or given, and all other matters and things done by virtue of, or in consequence of the said Acts, or any one or more of them, antecedent to the said eighth day of January, and then (before the said prorogation) done subsisting, existing and continuing of force, shall be, and they and every of them, are hereby declared to be, in as full force and effect, to all intents, constructions and purposes whatsoever, as if the said several laws or any of them had not expired at the time aforesaid, in consequence of the said prorogation; any law, usage or custom to the contrary thereof in any wise notwithstanding.

RAWLINS LOWNDES, *Speaker*.

In the Council Chamber, the 23rd day of January, 1765.

Assented to : WM. BULL.

No. 937. *AN ACT* FOR ALLOWING, FURTHER TIME TO THE INQUIRERS, ASSESSORS AND COLLECTORS OF THE SEVERAL PARISHES AND DISTRICTS IN THIS PROVINCE, FOR CARRYING INTO EXECUTION THE GENERAL TAX ACT, PASSED THE SIXTH DAY OF OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR, IN THE FOURTH YEAR OF HIS MAJESTY'S REIGN.

Preamble.

WHEREAS, by the general tax Act or Act of the General Assembly of this Province, passed in the fourth year of his Majesty's reign, intitled "An Act for raising and granting to his Majesty the sum of two hundred and twenty thousand three hundred and seven pounds seven shillings and three pence, and applying thirty-four thousand six hundred and twenty-four pounds thirteen shillings and seven pence, being the balance of several funds in the public treasury, making together two hundred and fifty-four thousand nine hundred and thirty-two pounds and ten pence, to defray the charges of this Government from the first day of January, one thousand seven hundred and sixty-two, to the thirty-first day of December, one thousand seven hundred and sixty-three, both days inclusive, and for other services therein mentioned," it was among other things enacted, that a tax or sum of two hundred and twenty thousand three hundred and seven pounds seven shillings and three pence, current money of South Carolina, should be imposed and levied on the several inhabitants and others interested in this Province, and should be applied to the use of his Majesty for the support of this Government, in manner as in the said Act is mentioned and directed; and that all persons whatsoever, living out of the limits of the parishes of St. Philip and St. Michael, and liable by the said Act to pay tax, should, on or before the first Tuesday in January, then next ensuing, render a particular account of their estates, in manner as by the said Act is directed, to the inquirers and collectors of the several parishes and places respectively, where the person who was to render such account lived and resided, at such time and place as the said inquirers and collec-

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tors, or any of them, should direct and appoint for the doing thereof, so that the same should be done on or before the said first Tuesday in January then next ensuing, or by the last Tuesday in the said month of January, otherwise they were to be deemed defaulters, and liable to be double taxed, as by the said Act is directed; and also further enacted, that the inquirers appointed by the said recited Act for the parishes of St. Philip and St. Michael, should go once to the several houses of the inhabitants of the said parishes, of which they should give previous notice in the Gazette, three weeks before their going to the said houses, and should inquire into and take an account of the estates of the said inhabitants of the said parishes of St. Philip and St. Michael, which account the said inhabitants were obliged to make and return by the said last Tuesday in the said month of January, on pain of being double taxed, as the said law directs, finish their said inquiry, and return the same to the assessors appointed by the said recited Act for the said last mentioned parishes, in such way and manner as is directed by the said tax Act, on or before the first Tuesday in February next, as by the said Act may more fully appear; and whereas, by reason of several accidents having happened, the said inquirers and collectors for the several parishes and places in this Province were not furnished by the public treasurer of the same with printed copies of the said recited tax Act (agreeable to the former practice,) within such a reasonable time as to have given the said inquirers and collectors an opportunity of publishing the necessary notices for the several inhabitants of the Province, to make and return to them an account of their taxable estates, and otherwise conducting themselves agreeable to the directions and true intent and meaning of the said recited tax Act, whereby, to prevent disputes, it becomes necessary, that as well the time for making and returning the said accounts, as the time limited by the said recited Act for the paying the taxes imposed by the tax Act aforesaid, and in other respects carrying the said Act into execution, should be enlarged; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief of this Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the time limited in and by the said recited tax Act, for all persons living and residing out of the limits of the parishes of St. Philip and St. Michael, to make and render a particular account of their taxable estates in manner as by the said Act is directed, shall, and the same is hereby enlarged to the first Tuesday in April next, and also the time limited in and by the said recited Act, for the inquirers for the parishes of St. Philip and St. Michael to go once to the several houses of the inhabitants of the said parishes, and for their giving notice three weeks in the Gazette of such their going for the purposes mentioned in the said Act, and for their finishing their said inquiry and returning the same to the assessors in such way and manner as is directed by the said tax Act, shall, and the same is hereby enlarged to the first Tuesday in April next; and the time also limited by the said Act for the double taxation of defaulters, in manner therein mentioned, shall, and the same is hereby enlarged to the second Tuesday in April next.

II. And whereas, the enlarging the times limited by the said Act for the purposes aforesaid, in manner, as herein before mentioned, makes it necessary and expedient that the different periods of times also limited by the said recited Act, as well for the assessors and collectors of the parishes

Extension of
time limited
for tax returns.

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Further time
allowed assess-
ors and collec-
tors to make
returns.

of St. Philip and St. Michael to meet, sit and finish their calculation of the value of the estates in the said parishes, giving notice thereof and otherwise conducting themselves in this respect as by the said recited Act is directed and required, as also for the several inhabitants of the Province to pay in their several and respective taxes, agreeable to the said tax Act; and for the said collectors and assessors to close their accounts and finally settle with the public treasurer agreeable to the said Act, should be also further enlarged, *Be it therefore further enacted* by the authority aforesaid, That the time limited in and by the said recited Act, for the meeting of the said town assessors and collectors in manner as aforesaid, and for the purposes aforesaid, shall, and the same is hereby enlarged to the first Tuesday in April next; and that the time limited as aforesaid for their finishing and completing the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, shall, and the same is hereby enlarged to the last Tuesday in June next; and the time for the said inhabitants living and residing out of the said limits of the said parishes of St. Philip and St. Michael paying in their taxes, as by the said Act is required, shall, and the same is hereby enlarged to the first Tuesday in June next; and also the time limited by the said Act for the inhabitants of the said parishes of St. Philip and St. Michael paying in their taxes, agreeable to the said recited tax Act, shall, and the same is hereby enlarged to the first Tuesday in July next; and the time also limited by the said Act for the inquirers, collectors and assessors for the several parishes within this Province, closing their accounts, and delivering the same on oath to the public treasurer for the time being, and paying him all such monies as shall be by them respectively received, (after retaining thereof such commissions as are respectively allowed them by the said Act,) shall, and the same is hereby enlarged, to the first Tuesday in August next.

Duties of the
inquirers,
assessors, &c.

III. *And be it also enacted* by the authority aforesaid, That the several inquirers, collectors and assessors appointed by the said Act, or such as have been or may be appointed by his honor the Lieutenant Governor, or Commander-in-chief for the time being, pursuant to the powers and authorities given in and by the said Act, in the room of others dying, going off the Province or refusing to act, and each and every of them shall, and they, each and every of them, are hereby directed and required, to pursue and execute the said recited Act in every respect, except as to the different periods of time enlarged by this present Act in manner aforesaid; and all persons concerned therein shall be liable and bound thereby in like manner, and as fully and effectually, to all intents and purposes, as if the same had been or were executed within the respective times in that behalf limited by the said recited tax Act; any thing therein contained to the contrary notwithstanding.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 1st day of February, 1765.

Assented to: WILLIAM BULL.

A. D. 1765.

AN ACT TO IMPOWER THE PERSONS THEREIN NAMED TO SELL AND
DISPOSE OF A TRACT OF LAND ON WADMELAW ISLAND, THEREIN MENTIONED,
AND TO PURCHASE ANOTHER TRACT FOR THE USE OF THE MINISTER OR PASTOR OF THE MEETING HOUSE ON JOHN'S ISLAND. **No. 938.**

WHEREAS, Joseph Stanyarne, James Carson, John Freer, Henry Livingston and Hugh Wilson, by their humble petition to the General Assembly, setting forth, that on or about the twenty-fourth of December, one thousand seven hundred and fifty-four, they purchased from Robert Turner a piece or parcel of land, (and the buildings thereon,) containing two hundred and twelve acres, situate on Wadmelow Island, in Colleton county, for the use of the pastor or minister of the meeting house on John's Island, as a glebe and parsonage, but that they find the same very inconveniently situated, as well for the minister as the inhabitants frequenting the said meeting house for the public worship of God; and that although the old buildings thereon might be sold to great advantage, they cannot dispose of the premises and purchase a glebe and parsonage without leave of the said General Assembly, and prayed that a law might be passed to enable them to sell and dispose of the said land, and with the monies arising therefrom, to purchase a glebe and parsonage in such place as to the said trustees, or any three of them, shall seem most convenient and advantageous to the minister and inhabitants resorting to the said meeting house; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall and may be lawful for the said trustees, or any three or more of them, to sell and dispose of the said tract of land and the buildings thereon, to any person or persons whatsoever, at the best price that may be had for the same, and to execute conveyances thereof to the said purchaser or purchasers in fee simple; and they are hereby impowered, with the money arising from such sale, to purchase a glebe or parsonage, in such place as they shall think proper, and to receive and take a conveyance for the same in trust, and to and for the uses of the ministers for the time being, of the said meeting house, forever.

Trustees impowered to sell and dispose of old glebe and purchase new.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 6th day of April, 1765.

Assented to: WM. BULL.

AN ACT to promote and carry more fully into execution "An Act to incorporate the Winyaw Indico Society," now of force in this Province. **No. 939.**

(Passed April 6, 1765. See last volume.)

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No. 940. *AN ACT* FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF ONE HUNDRED AND TWO THOUSAND NINE HUNDRED AND TWENTY-SEVEN POUNDS TWELVE SHILLINGS AND THREE PENCE, AND APPLYING THIRTY THOUSAND TWO HUNDRED AND SEVENTY POUNDS EIGHT SHILLINGS AND NINE PENCE, (BEING THE BALANCE OF SEVERAL FUNDS IN THE PUBLIC TREASURY,) MAKING TOGETHER ONE HUNDRED AND THIRTY-THREE THOUSAND ONE HUNDRED AND NINETY-EIGHT POUNDS AND ONE SHILLING, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE FIRST DAY OF JANUARY, TO THE 31ST DAY OF DECEMBER, 1764, BOTH DAYS INCLUSIVE, AND FOR OTHER SERVICES THEREIN MENTIONED.

Preamble. WHEREAS, by a schedule made of the charges of this Government for the year one thousand seven hundred and sixty-four, and for other services in the said schedule mentioned, it appears that the sum of one hundred and thirty-three thousand one hundred and ninety-eight pounds and one shilling will be wanting for those purposes, for defraying whereof, we, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly of this Province, have cheerfully given and granted and do hereby give and grant unto his most sacred Majesty the said sum of one hundred and thirty-three thousand one hundred and ninety-eight pounds one shilling, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, limited and appointed, and to and for no other use, intent or purpose whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

A tax of £102, 937, 12s. 3d. to be levied.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That a tax or sum of one hundred and two thousand nine hundred and twenty-seven pounds twelve shillings and three pence, current money of South Carolina, be imposed and levied on the several inhabitants and others interested in this Province; which, with the sum of thirty thousand two hundred and seventy pounds eight shillings and nine pence, being the balance of several funds in the public treasury, shall be applied to the use of his Majesty, for the support of this Government, in manner as is hereinafter mentioned.

Rate of taxation.

II. And for the more certain and effectual levying of the said sum of one hundred and two thousand nine hundred and twenty-seven pounds twelve shillings and three pence, *It is hereby enacted and declared*, That the sum of seventeen shillings and six pence current money per head shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of seventeen shillings and six pence per hundred acres on all lands throughout the said Province, town lots excepted; and the sum of eight shillings and nine pence per centum on the value of every such town lot, wharf and buildings, and other lands within the limits of any town, village or borough, in this Province; the bounds of Charlestown to extend as far as the new fortifications from Ashley river to Cooper river; and the sum of eight shillings and nine pence on every hundred pounds owing to any person on bond or other specialty or note of hand bearing or including interest, over and above what they pay interest for; and at the rate of one pound and fifteen shillings per centum on all monies arising

from annuities; and the sum of seventeen shillings and six pence per head on all free negroes, mulattoes and mestizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of eight shillings and nine pence per centum on every person's stock in trade, (that is to say) wares, merchandizes and book debts of persons in trade, shopkeepers and others; and the like sum of eight shillings and nine pence per centum on the profits of all faculties, professions, (the clergy excepted,) factorage and handicraft trades, throughout this Province; to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information: Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish where such new settler resides, that he settled himself in this Province upon the encouragement given him by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

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Lands of new
settlers ex-
empted.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves or moneys, for which they receive interest in this Province, (lands whereon any churches or other buildings for divine worship, or for free schools, are erected or built, and all slaves appurtenant to or going with such churches or lands, and all moneys appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the first Tuesday in January next ensuing, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the first Tuesday in January next; which oath or affirmation shall be in the words following, viz: "I, A B, do swear or affirm, (as the case shall be) that the account which I now give in is a just and true account of all the land, slaves and moneys that I have upon bond or other specialty, or note bearing or including interest, (which I believe to be good,) over and above what I pay interest for, and annuities which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare, without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

Taxables to
render an ac-
count of their
property, on
oath.

Form of the
oath.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever shall be obliged to make return of his or her lands, slaves or monies at interest, in the country, over and above what he or she pays interest for, and of his or her annuities, to the inquirers and collectors for the parish or district respectively where such person lives or resides, and pay the tax thereon to the said inquirers and collectors. And the inquirers and collectors of all and every the parishes and districts respectively, shall be, and they are hereby, authorized, im-

Penalty on per-
sons refusing or
neglecting to
make returns.

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powered and required, to issue executions against all and every person or persons in their respective districts who have not paid their just proportions of the preceding tax.

Attornies and trustees of absent persons owning lands in the province, liable for taxes on the same.

V. And whereas, there are divers tracts of land, slaves and monies at interest in this Province, held, owned or claimed by persons not resident here, who pay no taxes or other charge toward the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, of all lands, slaves, and moneys at interest, belonging to such absent persons, for whom they are attornies or trustees; and that such attornies or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such land, slaves or monies at interest, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the said collector respectively that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax. Provided

Proviso.

always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively where any lands lye which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and they and he is hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act; or, after six months public notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary in any wise notwithstanding,

Inquirers and collectors may lease such land or sell the timber, &c.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of lands shall be found by the inquirers or collectors to be long to any person or persons living or residing out of the limits of this Province, and who have no attorney or attornies, trustee or trustees, legally constituted, in this Province, then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing within this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in

Lands of absent owners, for which taxes are not paid in two years after notice given, declared forfeit.

case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof, from time to time, of the assessment made, shall not be paid to the inquirers, assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.

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VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned respectively, viz. for the parish of Christ Church, George Baxtell and David Bachelor; for the parish of St. James Goose Creek, Zachariah Villepontoux, John Filbri and Thomas Smith; and for that part of St. James Goose Creek near Amelia Township, John Burdell; for the parish of St. John, Berkley county, Peter Goudine, Charles Dudley and Elias Ball of Hyde Park; for the parish of St. George Dorchester, John Bulline, Benjamin Waring and John Edwards; for the parish of St. Thomas and St. Dennis, John Harlston, (son of Capt. John,) John Akin and John Heskett; for the parish of St. Andrew, James Island excepted, Thomas Elliott, senior, and Edward Legge; for that part of the said parish called James Island, Jas. Screven: for the parish of St. John, Colleton county, viz. for John's Island, William Stanyarne and Thomas Arnold; for Wadmelaw Island, William Sams; for Edisto Island, William Eddings; for the parish of St. Paul, viz. for Stono and the east side of Pon-pon, John Mitchell, Richard Williamson and James Fitch; and for Beach Hill, in the said parish, Benjamin Perry; for the parish of St. Bartholomew, Gideon Dupont, Jr., and Thomas Ford; for the upper district of St. Bartholomew, to wit, the north and west of the Black Creek and the main waters of the Great Swamp, directly across to Pon-pon River, George Rents and Jonathan Donnon; for Combee and Chehaw, in the said parish, Henry Hyrne and Peter Girardeau; for the parish of St. James Santee, Thomas Evans and James Culloden; for the parish of St. Stephen, Charles Richbourg and Thomas Greenland; for the parish of Prince George Winyaw, John Skrine and John Postell; and for the Welsh Tract, Claudias Pegues; for the parish of Prince Frederick, James Frierson, junior, Francis Goddard, Abraham McCord, junior, and John Allston; for the parish of St. Mark, Claudias Richbourg, Richard Richardson, junior, John Chesnut and John Cook; for the parish of St. Helena, Port Royal, William Hope, William Hazzard and Benjamin Chaplin; for the parish of St. Peter, Purrysburgh, Thomas Camber and Adrian Meyer; for the parish of Prince William, William Maine and Elijah Prioleau; for the town and township of New Windsor, upon Savannah River, Stephen's Creek and parts adjacent, George Galphin; for the township of Amelia and adjacent places, Thomas Platt; and for Orangeburg, with the forks of Edisto River and the adjacent places, Gaven Pou; for the township of Saxe-Gotha and the forks between the Congree and Wateree Rivers, and adjacent places, John Macord and Isaac Ross; for Broad River, Robert Hencock, Thomas Watts, Thomas Hughes and Richard Jenkins; and for the forks of Broad and Saluda River, and for the north side of Broad River and forks of Little River, Samuel Aubrey, Edward Musgrove, William Turner and James Cobb.

Inquirers and
collectors
appointed.

VIII. *And be it also enacted* by the authority aforesaid, That William Fair, Caleb Lloyd and Joshua Lockwood, be, and they are hereby appointed inquirers for the parish of St. Philip and St. Michael; and that John Lloyd, William Savage, John Snelling, George Bedon and Benja-

Assessors, &c.
for St. Philip
& St. Michael.

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min Baker be, and they are hereby appointed assessors and collectors for the said parishes of St. Philip and St. Michael.

Taxes on real
estate, &c.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, or annuities in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in April then next ensuing; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts and shall deliver the same on oath to the public treasurer for the time being, (who is hereby impowered and required to administer such oath,) and pay him all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown into the hands of the public treasurer, in pursuance of this Act, on or before the first Tuesday in May then next ensuing; and the inquirers, assessors and collectors of each parish or district, shall make their return of such district respectively, to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, monies at interest and annuities, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed.

When to be
paid.

Penalty for
concealment.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, annuities, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

When deemed
a defaulter.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, annuities, lands or slaves to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in January next at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, annuities, lands and slaves.

Inquirers to
give previous
notice of their
intention to call
on the inhabi-
tants to make
returns.

XII. *And be it enacted* by the authority aforesaid, That the inquirers for the parishes of St. Philip and St. Michael, are hereby ordered and directed, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities and money at interest of the said inhabitants, which they shall be possessed of, interested in or intitled unto in their own right, or in the right of any other person whatsoever, lying or being in the said parishes; and of all the lands and slaves which the said inhabitants are possessed of in their own right, or in the right of any other person without the limits of the said parishes, or in any other part of the Province; and the account of the real estates, slaves, money at interest, and annuities of the said inhabitants shall be returned to the said inquirers upon oath, in the manner herein before directed; and the said inquirers shall make and finish their inquiry and return the same to the assessors hereby appointed for the said parish-

es, on or before the first Tuesday in February next; and the said inquirers shall likewise extract and certify to the said assessors, all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitants of the said parishes in trust, for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, annuities and money at interest, returned in trust for persons living in the country, shall be reckoned as part of the country tax; provided always, that nothing herein contained shall extend, or be construed to extend, to give the said assessors any power or authority to rate or assess any goods, wares or merchandizes consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or money set apart for pious or charitable uses.

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XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attorneys, have reason to believe he or she is over-rated for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the guard house in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his or their attorney or attorneys, shall think they are over-rated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any one of them, are hereby impowered to administer such oath and to allow an abatement accordingly.

Persons over-rated may swear off the overplus.

XIV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates, slaves, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael; and also of all the real estates, slaves, annuities, monies at interest, returned to you by the said inhabitants which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge: So help you God."

Oath to be administered by assessors and collectors to the inquirers.

XV. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid, to the said assessors and collectors, of their own real estates and slaves, annuities, and monies at interest in this Province; and any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown the first Tuesday in February next, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits as aforesaid, or to adjourn to any other place in the said town as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in April then next, and shall cause a duplicate thereof to be posted at the guard house in Charlestown, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted; and the said assessors and all the other-assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of

Inquirers to return their own property on oath.

Assessors and collectors to take an oath.

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the peace, who shall give them a certificate thereof gratis : "I, A. B., do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge : So help me God."

Monies to be paid over to public treasurer.

XVI. *And be it enacted*, That every person so assessed by the said assessors, for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in May then next; and the said assessors and collectors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Quota of taxes to be raised in St. Philip and St. Michael.

XVII. *And be it enacted*, That the sum of one thousand nine hundred and fourteen pounds and fifteen shillings, appointed by the schedule to this Act annexed, to be paid by the inhabitants of the parishes of St. Philip and St. Michael, shall be added to the sum to be collected for the poor rates, and shall be raised, collected and levied by the same persons and in the same way and manner as the poor rates are raised, collected and levied on the inhabitants of, and others interested in the said parishes, and shall be by the said persons paid into the hands of the public treasurer.

Penalty on neglect or refusal to pay taxes.

XVIII. *And be it also enacted* by the authority aforesaid, That in case any person whosoever, shall neglect or refuse to pay in his, her or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days is fully elapsed, without further delay, levy the same, by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; or shall not make oath before the collector, that he has not, directly or indirectly, conveyed away or removed his said goods or effects, whereon the money so assessed might be levied, to avoid payment of the said tax, and that he is not able to pay the same; which oath the said collectors are hereby respectively authorized and impowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz :

Form of the warrant.

"A. B., C. D., E. F., collectors of the general tax for the parish or precinct of —, in — county: To G. H., constable of the parish or precinct of —, or to the provost marshal of the Province of South Carolina, or to his lawful deputy. Whereas, J. K. hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for — tax, for defraying the charges of the preceding year, ending the thirty-first day of December, one thousand seven hundred and sixty-four, which — hath neglected to pay: these are, therefore, in his Majesty's name, strictly to charge and command you, to levy by distress and sale of the goods and chattels of the said J. K., the said sum of —, together with the charges thereof; and in case the said J. K. shall refuse or neglect to produce

goods or chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said J. K. and ——— convey to the common goal in Charlestown, commanding you, the keeper of the said jail, to detain the body of the said J. K. in your custody until ——— shall pay the said sum of ———, together with the charges of keeping and detaining as aforesaid; and for so doing, this shall be your sufficient warrant. Given under our hands and seals this ——— day of ———, Anno Domini ———.

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A. B., C. D., E. F."

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, six shillings; and for every pound to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; for the constable's returning home or carrying such defaulter to the common goal, and from thence returning home, and mileage, at the same rate; and no more or any other fee whatsoever; and the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Fees of constables, &c.

XIX. And be it also enacted by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act, on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrant in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and shall be dealt with in all other respects as a defaulter.

Penalty for neglect to pay tax, &c.

XX. And be it enacted, That the public treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes which are or were due, by any former law or Act of Assembly; and the same may be recovered by virtue of a warrant, under the hand and seal of the public treasurer for the time being, directed to the provost marshal or any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Power of the public treasurer.

XXI. And be it also enacted by the authority aforesaid, That in case any person shall happen to die between the time of giving in his account to the said inquirers and collectors and the paying of his tax, and any goods or chattels of the deceased, to the value of the sum he was assessed at, shall come into the hands of his executor or administrators, or any executors in their own wrong, such executor or administrators shall pay the same by the time before limited, prior to all judgements, mortgages and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executor or administrators; and if any person, between the time of rendering the account of his or her estate, to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such persons will find

Taxables dying or departing.

A. D. 1765.

sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed.

Fraudulent conveyances.

XXII. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Mortgagee liable to pay tax.

XXIII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor; provided, that such estate shall be in the possession of the mortgagee.

Penalty on officers for neglect.

XXIV. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, marshal, constables and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of fifty pounds proclamation money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds proclamation money, to his Majesty, for the support of this government, to be recovered in any court of record in this Province.

Inquirers, assessors, &c. dying or departing.

XXV. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act or depart this Province before the powers and authorities hereby given them are executed, then his honor the Lieutenant Governor, or the Commander-in-chief for the time being, is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him so dying, refusing to act or departing this Province; and the person and persons so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Public Treasurer empowered to grant executions.

XXVI. *And be it also enacted* by the authority aforesaid, That the public treasurer, and the public treasurer for the time being, be, and is hereby empowered and required, to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, for all taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he is hereby required and directed to prosecute all and every person or persons whatever, neglecting or refusing to do and perform the several matters required by this Act for the recovery of the penalty inflicted by the same for any such refusal or neglect.

And to give certificates.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the balance in the funds aforesaid, shall be, and is hereby obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificates shall be first filled up, numbered and signed by the treasurer, and afterwards countersigned and returned to the public treasurer, by Daniel Doyley, David Oliphant and Thomas Gadsden, Esquires, or any two of them, and they are hereby directed to keep an account in a book, of such certificates as they shall respectively sign;

provided, that such certificates shall not be for less than five pounds, nor more than fifty pounds; and the said certificates shall be received in all payments to the public treasury until the last Tuesday in May, one thousand seven hundred and sixty-six, and no longer; and the said collectors of the tax shall take and receive the said certificates in payment of taxes, for the sums therein mentioned, from all persons tendering the same; provided also, that the possessors of the said certificates shall carry the same to the public treasurer to be exchanged, on or before the first day of November, one thousand seven hundred and sixty-six; and in case any certificates shall be outstanding after that day, the public shall not be liable to make provision for the same.

A. D. 1765.

Proviso.

XXVIII. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer or provost marshal, constable or other person, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

General issue may be pleaded.

XXIX. *And be it further enacted* by the authority aforesaid, That the said sum of one hundred and thirty-three thousand one hundred and ninety-eight pounds and one shilling shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise.

XXX. And whereas, by the last tax Act, passed the sixth day of October, in the year of our Lord one thousand seven hundred and sixty-four, George Cogdal was appointed one of the assessors and collectors of the public tax for the forks of Broad and Saluda rivers, but inasmuch as the said George Cogdal had, before the passing of the said Act, removed from that district, and now lives at a considerable distance therefrom, *Be it therefore enacted* by the authority aforesaid, That Captain Thomas Fletchal be, and he is hereby appointed an assessor and collector of the public tax, for the forks of Broad and Saluda rivers, in the room and place of the said George Cogdal; and that the said Captain Thomas Fletchal shall have the same powers and authorities for carrying the said Act into execution, and be subject to the same penaltys and forfeitures, as any assessor or collector of the public tax is invested with or subject and liable unto by the said Act.

SCHEDULE

Of the charges of this Government from the first day of January, to the thirty-first day of December, one thousand seven hundred and sixty-four, inclusive, and for other services.

ALLOWANCES TO PUBLIC OFFICERS.

To his Honor the Lieutenant Governor,	£ 2236 02 02
The Clerk of the Council,	300 00 00
The Master in Chancery,	200 00 00
William Davis, Messenger to the Council,	300 00 00
Jonathan Davis, as Door-keeper to the Council,	200 00 00
Thomas Bromley, Esq. Clerk of the Assembly,	600 00 00
The Messengers of the Assembly,	400 00 00
The Commissary General,	400 00 00
The Clerk of the Board of Church Commissioners,	30 00 00
The Public Treasurer, his commissions for paying sundry sums of money,	58 02 02

A. D. 1765.

The Agent for Great Britain, his salary from 28th July, 1763, £1995 00 00	
His bill of disbursements and for other services, (after deducting £323 3s. 8½d sterling received by him on account of this Province,)	646 00 06½
The Clerk of the Committee of Correspondence,	50 00 00
The estate of Benjamin Harvey, late Messenger of the Council, seven months salary,	125 16 04
John Hume, ordnance store keeper,	350 00 00
Jacob Motte, Esq. public treasurer, advanced Jonathan Davis, Messenger of the Council,	63 06 08—£ 7874 07 10½

HOUSE RENT FOR THE PUBLIC.

To his Excellency the Governor,	252 15 08
His Honor the Lieutenant Governor,	447 04 04
The Commissioners of the Free School in Charlestown,	250 00 00—£ 950 00 00

WRITING AND PRINTING FOR THE PUBLIC.

To the Clerk of the Council, for copies of the minutes of Council, entries in the Indian book, and copies of the laws for the Council,	1425 07 08
To Thomas Skottowe, Esq. Sec'y. for fees due to the Governor, Lieutenant Governor and himself; to the Governor, £11 17s. 6d.; to the Lieutenant Governor, £48 2s. 6d., and the Secretary, £420,	480 00 00
To Robert Wells, for printing,	157 15 00
To Peter Timothy, for the like service,	271 01 08
To Thomas Bromley, Esq. Clerk of the Assembly,	2005 10 07½
To Jacob Motte, Esq. Public Treasurer, for this service,	619 06 00
To Jacob Motte, Esq. Public Treasurer, for so much advanced by him to Benjamin Smith, Esq. for printed journals of the House of Commons,	248 12 03—£ 5307 13 02½

TO BE RAISED BY PARTICULAR LAWS APPOINTING
THE SAME.

To Jacob Motte, Esq. Public Treasurer, paid by him for session sermons,	30 00 00
Sinking one 5th part of the orders for raising a regiment in 1760,	25,000 00 00
Sinking one 5th part of the orders for paying the charges of the expedition under Governor Lyttleton, against the Cherokees,	49,338 12 06
Daniel Doyley, Esq. late Provost Marshal, for serving writs of election, summoning of jurors and attending courts,	75 16 08
Roger Pinckney, Esq. for the like service,	74 03 04
Clement Lampriere, his annuity on the militia law,	90 00 00
Thomas Gill, his annuity,	90 00 00
Mary Adamson, widow, annuity for herself and two children,	150 00 00
Mary Morrison, widow, annuity for herself and three children,	200 00—£ 75,048 12 06

FOR FORTS AND GARRISONS.

To the Commander of Fort Johnson,	290 00 00
The Gunner of Fort Johnson,	216 00 00
Two quarter Gunners, at £8 per month,	192 00 00
Provisions for four men, at £25 per month,	100 00 00
Gunner of Charlestown,	225 00 00
Gunner of Craven's bastion,	100 00 00
Gunner of Broughton's battery,	100 00 00
John Allen, for a flag staff for Granville's bastion,	70 00 00

A. D. 1765.

To Thomas Blimston, for repairing the boat belonging to Fort Johnson,	£ 36 00 00
Houlditch & Lewis, a certificate in their favor endorsed to Bartholomew Spring, for plank for the use of Fort Prince George,	12 00 00
James Houlditch, a certificate in his favor for plank for Fort Prince George, to be paid by the Treasurer upon his making oath that it was not obtained for the same service as the foregoing, certificate to Houlditch & Lewis,	12 00 00
Laurence Motte & Co. for sundries,	144 07 00
John Marley, for a cart, two horses and harness for Fort Prince George,	228 15 00
John Mitts, for sundry repairs to Fort Prince George,	12 00 00
William Pinckney, Esq. Commissary General, for making flags for Fort Johnson,	30 00 00
Jacob Warley, for a horse for Fort Prince George,	50 00 00
Bernard Beckman, for tompons for the guns and other services,	32 07 06
John Allen, for a flag staff for Fort Johnson,	80 00 00
Jacob Motte, Esq. Treasurer, advanced by him to the commissioners of fortifications,	3500 00 00
Jacob Motte, Esq. Treasurer, advanced by him for the works of Charlestown,	1500 00 00
Jacob Motte, Esq. Treasurer, advanced by him for men's pay at Fort Johnson, to 31st December, 1764,	660 00 00
Edmund Egan, for laying out seventy-five acres of land for Fort Lytleton,	7 07 00—£ 7507 16 06

FOR THE PUBLIC ARMS AND ORDNANCE STORES.

To John Edwards & Co. for linseed oil for the ordnance stores,	21 00 00
John Marley, for cartage of ordnance stores,	88 12 06
John Perdrien, for straps, repairing and cleaning cartouch boxes,	79 10 00
John Miller, gunsmith, for repairing the public arms,	232 16 03
John Hume, ordnance store-keeper, for negro hire and cleaning public arms,	462 00 04—£ 883 09 01

FOR THE PRIVATE FRONTIER FORTS.

To Godfrey Dreyer, for sundries supplied Fort William Henry and other Forts,	295 04 10
Edward Kirkland, a certificate for Indian corn supplied the poor at Helm's Fort,	39 15 00—£ 334 19 10

FOR THE RANGERS.

A muster roll for six months pay of the men commanded by Patrick Calhoun, for the protection of the Long Cane's settlement,	2058 00 00
Jacob Motte, Esq. advanced by him for the pay of Captain Bosher's men, after deducting £2659 3s. 1d. received by the Treasurer of Governor Wright,	2066 09 05—£ 4124 09 05

FOR THE FORCES.

To James Henderson, for candles,	29 04 00
To the church wardens of St. Philip's parish, for the support of transient persons, soldiers, widows and orphans,	1087 19 00½
To Henry Weaver, for carriage of stores and baggage to Fort Moore,	84 00 00
To Jacob Motte, Esq. advanced by him to John Marley for fire-wood,	73 15 00

A.D. 1765. To Andrew Williamson, for carriage of provisions to Fort Prince George, £ 1000 09 06—£ 2275 07 064

FOR THE SCOUTS FROM THE MILITIA.

Peter Bull, or Phul, for flour, for the Orangeburg militia,	£ 6 00 00
Henry Breazel, for provisions for a scout,	2 05 00
Adam Hyles, for provision,	21 10 00
Christian Minnick, for a steer,	10 00 00
Jacob Wolf, for two hogs,	8 00 00
Nimrod Kilchrist, for provision,	4 07 06
Lachlan McIntosh, for flour,	11 00 00
Archibald Bell McClennan, for wheat,	3 15 00
Henry Baker, for two hogs,	10 10 00
John Jacob Stursannaser, for provision,	4 10 00
Abraham Rawlinson, as a militia man in Governor Lyttelton's Expedition,	20 16 00
Michael Buchalter, for provision,	7 17 06—£ 110 11 00

FOR THE SCOUT BOATS.

To William Hope & Co. for bread for said boats, £ 55 06 03

FOR PAROCHIAL CHARGES.

For churchwardens and vestry of the parish of St. Paul, towards building a new parish church,	2000 00 00
The churchwardens and vestry of St. Helena's parish, for their church,	1000 00 00
The churchwardens and vestry of St. Stephen's, for their church,	1500 00 00
The churchwardens and vestry of St. Mark's parish,	1000 00 00—£ 5500 00 00

FOR CORONER'S INQUESTS.

John Alran, for an inquest,	10 00 00
Joseph Curry, for several,	30 00 00
Paty Holmes, constable, for summoning jurors,	10 10 00
William Mason, Coroner for Berkley county, for several inquests,	125 05 00
Adrian Meyer, for an inquest,	10 00 00—£ 185 00 00

FOR INDIAN EXPENCES.

Michael Buckhalter, for entertainment of Indians,	10 04 06
John Dodd, for gunsmith's work,	18 17 06
Elizabeth Hainsworth, (indorsed to Elizabeth White,) for entertainment of Indians,	9 00 00
Laurens, Motte & Company, for Indian presents,	32 00 00
George Milligan, for curing a fracture in the arm of a Catawba Indian,	15 00 00
William Pinckney, Commissary General, for entertainment of Indians,	73 17 08
John Scott, for entertainment of Indians going to the Congress,	48 15 06
Thomas Tew, for tailor's work,	5 10 00
Peter Whitten, for entertainment of Indians,	14 12 06
Samuel Whyley, his account for same service,	29 10 00
George Allison, for ferrage of Euche Indians to Georgia,	3 10 00
Corrie & Scott, on an order of David McDonald, Indian interpreter at Fort Prince George, from the 20th Nov. 1763, to 20th Sept. 1764, at £25 per month,	250 00 00—£ 510 17 02

FOR CRIMINALS.

To the Chief Justice, for fees on prosecuting them,	346 17 06
The Clerk of the Crown, for his fees,	335 18 014
James Moultrie, late Attorney General,	339 05 00

OF SOUTH CAROLINA.

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John Rutledge, Esq. Attorney General,	£319 10 00
Daniel Doyley, late Provost Marshal, for subsistence of prisoners,	1208 10 00
Roger Pinckney, Esq. for the same service,	516 18 11
John Allen, constable, for conveying prisoners to gaol,	25 00 00
Bartholomew Austin, two certificates for the like service,	87 07 06
Bartholomew Austin, allowed him for conveying Thomas Moore and Govey Black to gaol,	200 00 00
John Benson, for said service,	15 05 00
Richard Baldrick, for expenses in bringing an Indian criminal to town,	2 17 06
Joseph Day, for constable's fees, conveying prisoners to gaol,	21 15 00
Jonathan Fabian, for constable's fees,	2 17 06
Joseph King, for conveying a prisoner to gaol,	19 12 06
David Loper, for the like service,	15 07 06
John Repault, for taking up a criminal in 1763,	11 08 09
Henry Richenbacher, for carrying on a hue and cry,	4 07 06
Francis Sanguetfield, two accounts, for conveying prisoners to gaol,	25 00 00
William Loockock, his account for attendance and medicines for sick criminals,	165 00 00
Francis Folks, for conveying a prisoner to gaol,	14 15 00
Jacob Motte, Esq. Public Treasurer, advanced by him to constables,	331 17 04
Roger Paget, for taking and conveying to gaol three persons, in 1758, concerned in counterfeiting public bills of credit,	200 00 00—£ 4309 10 07½

FOR CRIMINAL SLAVES EXECUTED.

Cholmondely Deering, for a slave executed,	200 00 00
Benjamin Jenkins, ditto,	80 00 00
John Sims, ditto,	200 00 00
William Hall, ditto,	200 00 00
Isaac Rippon, ditto,	100 00 00
Jacob Motte, Esq. Public Treasurer, advanced Gibbons & Tickling, for slaves executed,	350 00 00—£ 1130 00 00

CONSTABLES FEES ON TRIALS OF SLAVES.

To George Allison, for constable's fees on the trials of slaves,	11 05 00
William Bonneau, for the same service,	7 07 06
Henry Ballie, two accounts for the same service,	46 15 00
James Henry Butler, ditto,	29 12 06
Samuel Chanler, ditto,	7 10 00
Percival Dring, four accounts, ditto,	56 17 06
John Molet, ditto,	37 08 09
Robert Rivers, Jr. ditto,	5 01 03
William White, ditto,	12 17 06
Patty Holmes, ditto,	9 17 06—£ 224 12 06

FOR THE PUBLIC BUILDINGS.

To Wm. Davis, house-keeper of the State House,	100 00 00
Wm. Davis, for sweeping chimneys and other services for the State House,	28 12 06
John Braund, for sweeping chimneys at the Barracks,	17 17 00
Thomas Gordon, for brick work and materials for additions to the Armory,	2138 16 06
Benjamin Haws, for glazier's work at the State House,	61 02 06
William Hall, for work done at the barracks,	56 14 02
William Hall, a second account, for carpenter's work and materials for the Armory,	851 00 07

A. D. 1765.

James Lingard, for erecting electrical points at the State House,	£ 80 00 00
John Marley, for cartage,	28 05 00
David Stoll, for iron work for the additional buildings to the Armory,	58 17 09
Bernard Beckman, for repairing pumps at the barracks,	2 15 00
Jonathan Badger, for his salary and disbursements for the Assembly Room,	57 13 09—£ 3481 14 09

SUNDRIES TO BE PAID BY THE INHABITANTS OF CHARLESTOWN.

To Bernard Beckman, two accounts for repairs and disbursements for the Engines,	88 05 00
Richard Moncrief, for the same service,	69 00 00
James Verrie, ditto,	62 00 00
George Sheed, ditto,	46 10 00
Peter Saunders, for repairing buckets,	132 15 00
Nightingale & Edwards, ditto,	16 05 00
The Commissioners of Roads in St. Philip's parish,	100 00 00
The Commissioners of the Streets in Charlestown,	1400 00 00—£ 1914 15 00

EXTRAORDINARY EXPENCES.

To George Pawley, Esq. for running the temporary line between North and South Carolina,	1061 03 01
Samuel Wyley, Esq. for the said service,	1061 03 01
James Simpson, for a plat of the temporary line,	30 00 00
Weyman & Carne, for a glass for the Speaker's chamber,	23 00 00
Daniel Cannon, for making writing desks and benches for the Free School, Charlestown,	79 05 00
James Rogers, for going in quest of a sloop, said to be run away with,	65 05 00
James Gordon, for repairing the public stocks,	9 06 03
Negro Sampson, his annuity,	50 00 00
The public treasurer, for money advanced by him for the bounty on hemp,	3779 04 07
The like, for money advanced to persons dispersed by the Indians, part of the £10,000 voted by the House the 23d of January, 1761, but never provided for,	4909 15 09
For a tax certificate in 1755, and also for two omitted to be provided for, agreeable to the report of last year, in the last estimate,	150 00 00
To the Clerk of the Committee of Correspondence, for his extraordinary services,	450 00 00—£ 11668 02 09

£133,198 01 00

RAWLINS LOWNDES, *Speaker.**In the Council Chamber, the 6th day of April, 1765.**Assented to: WM. BULL.*

No. 941. AN ACT for laying out a public Road from the muster field of Godfrey's Savanna, in the parish of St. Bartholomew, north-westwardly across Black Creek and the Great Swamp, being the easternmost branch of the Saltcatcher river, and into the fork, and to the German settlements, and for appointing commissioners for the same.

(Passed August 9, 1765. *See last volume.*)

A. D. 1765.

AN ACT to establish a Ferry from Lady's to St. Helena Island ; also from Hobcaw to Charlestown ; from Daniels's Island to Charlestown ; from South Edisto to the land of Wm. Drayton, Esq. ; from New Windsor to Augusta ; and from the ferry of Moses Kirkland, on Saluda river, to the opposite shore ; and establishing a Road leading from the said last mentioned ferry ; and for making Parker's Ferry a public ferry ; and for establishing a Ferry from Marr's Bluff to the opposite shore ; and to appoint new Commissioners for removing obstructions in the Wateree River.

No. 942.

(Passed August 9, 1765. *See last volume.*)

AN ACT FOR THE ENCOURAGEMENT OF JOHN CUTHBERT IN HIS PROJECTION OF CERTAIN IMPLEMENTS FOR THE BETTER CULTIVATION OF RICE AND OTHER GRAIN.

No. 943.

WHEREAS, John Cuthbert, Planter, by his humble petition to the General Assembly of this Province, hath set forth that he had invented and discovered certain implements for the better preparing and cultivating of rice, indico and grain, planted in rows, (that is to say,) ploughs or horse-hoes, hand-hoes and pickers, constructed and formed in a new method, which, in all probability, will be very advantageous and beneficial to the inhabitants of this Province, and prayed that a law may be passed for encouraging him therein ; to the end, therefore, that all due encouragement be given to ingenuity and industry, when it tends to the public good, we humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the said John Cuthbert, his heirs, executors, administrators and assigns, shall, for the term of fourteen years, to commence from the time of passing this Act, have the sole privilege and advantage of the said new implements or instruments for the better preparing and cultivating of rice, indico and grain, planted in rows. And if any person or persons whatsoever, during the term hereby limited as aforesaid, shall presume to make or use any implements, instruments or contrivance, according to the projection of the said John Cuthbert, without a licence in writing first obtained, under the hand seal of the said John Cuthbert, his heirs, executors, administrators or assigns, he, she or they shall respectively forfeit and pay to the said John Cuthbert, his heirs, executors, administrators or assigns, the sum of fifty pounds current money for every such implement, instrument or contrivance, made or to be made within the term aforesaid, without such licence as aforesaid ; to be recovered in any court of record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, essoin, privilege or protection shall be allowed or admitted, nor any more than one imparlance. Provided, that nothing herein contained shall abridge any person or persons of the liberty of making or using, within the term aforesaid, any implement, instrument or contrivance that is different in principles and

An exclusive right, for 14 years, granted to John Cuthbert.

Penalty for infringing the same.

A. D. 1765. construction from the implements, instruments or contrivances of the said John Cuthbert.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 9th day of August, 1765.

Assented to: WM. BULL.

No. 944. *AN ACT* FOR ESTABLISHING A PARISH IN BERKLEY COUNTY, BY THE NAME OF ST. MATTHEW, AND FOR DECLARING THE ROAD THEREIN MENTIONED TO BE A PUBLIC ROAD.

Preamble.

WHEREAS, several inhabitants of the said county, by their petition to the General Assembly, have represented many inconveniencies which they are under for want of having a parish laid out and established in the said county, contiguous to and including Amelia township, and prayed that a law may be passed for that purpose; we therefore humbly pray his most sacred Majesty that it may be enacted,

Bounds of St. Matthew's Parish.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, a parish shall be laid out and established in Berkley county aforesaid, in the following manner, that is to say, by running a line from the plantation of Garrard Nelson on Santee River, inclusive, to the place where the new road leading from the plantation of Tacitus Galliard, Esq. to the road leading from Charlestown to Orangeburgh, intersects the line that divides the parish of St. George Dorchester from St. James Goose Creek, and from thence to continue on the said line until it intersects the Four Hole Creek the second time, thence following the said Creek till it intersects the south east bounds of Orangeburgh township, and from thence along the bounds of the said township to the southward, and where that line reaches Edisto River, up the course of the said river until the north west boundary of the said township, from the River a north east course along the line of the township until it joins the south west bounds of Amelia township, and from thence a north east course till it reaches Beaver Creek; and that the said parish shall hereafter be called and known by the name of St. Matthew, and the inhabitants thereof shall and may have, use, exercise and enjoy all the rights, privileges and immunities that the inhabitants of any other parish do or can use, exercise or enjoy by the laws of this Province.

Church, chapel and parsonage house to be built in said parish.

II. *And be it also enacted* by the authority aforesaid, That a church, chapel and parsonage house shall be built at such places within the bounds of the said parish, as the major part of the commissioners hereafter named shall order and direct; and also, that a chapel shall be built at such place within the bounds of the said parish as the major part of the commissioners hereafter last named, shall order and direct.

Rector to receive the same salary as allowed in other parishes.

III. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish for the time being, shall officiate in the said church and chapels alternately, and shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen, and shall have yearly paid to him

and his successors forever, the same salary as is appointed for the rector or minister of any other parish in this Province, (the parishes of St. Philip and St. Michael excepted,) out of the fund appropriated or to be appropriated for payment of the salaries of the clergy in this Province; and the public treasurer for the time being is hereby authorized and required to pay the same, under the like penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several other parishes in this Province; and the said rector or minister of the said parish shall have and enjoy all and every such privileges and advantages, and be under such rules, laws and restrictions, as the rectors or ministers of the other parishes in this Province have and enjoy, or are subject and liable unto.

A. D. 1765.

IV. *And be it also enacted* by the authority aforesaid, That Colonel Moses Thompson, Col. William Thompson, William Heatly, Thomas Platt, Tacitus Galliard, Timothy Dargon, Robert Whitten, William Flud, John Burdell, Christopher Coulelt and John Oliver, be, and they are hereby appointed, commissioners or supervisors for the building of the church, chapel and parsonage house in the said parish of St. Mathew, exclusive of that part of the parish called Orangeburgh Township; and that Christian Minnick, Gavin Powe, Captain Rowe, Colonel Chevillette and John Govan, or a majority of them, be, and they are hereby appointed, commissioners or supervisors for building the chapel in that part of the parish called Orangeburgh Township; and they, or the major part of them, are fully authorized and empowered to purchase a glebe for the said parish, and to take subscriptions, and to receive and gather, collect and sue for, all such sum and sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the church wardens and vestry of the said parish of St. Matthew, for the time being, shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said church wardens and vestry shall seem meet; which commissioner or commissioners so to be nominated and appointed, shall have the same powers and authority for putting this Act into execution, to all intents and purposes, as the commissioners herein named.

Commissioners
appointed to
superintend the
building of
churches, &c.

V. *And be it also enacted* by the authority aforesaid, That the inhabitants of the said parish of St. Matthew, qualified by law for that purpose, shall choose and elect two members, and no more, to represent the said parish in General Assembly; any law, usage or custom to the contrary thereof in any wise notwithstanding; and that writs for the electing of members to serve in the General Assembly for the said parish, shall be issued in the same manner and at the same times as for the several other parishes in this Province, according to the directions in the Act intitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said house."

Members to be
elected to the
General
Assembly.

VI. *And be it further enacted* by the authority aforesaid, That the new road leading from the ferry of Tacitus Galliard, Esquire, to the road leading from Charlestown to Orangeburgh, shall be, and it is hereby declared to be, a public road, and shall be worked upon and kept in repair by the inhabitants of each parish through which the said road runs, in the same manner as all the other public roads in this Province are; and that the commissioners herein before appointed shall also be commissioners of

A new road to
be kept in
repair.

A. D. 1765. and for the said road, and all other roads in the said parish of St. Matthew, and shall have the same powers and authority as any other commissioners of the high roads in this Province have ; and in case any of the said commissioners shall die or refuse to act, the remaining commissioners shall, from time to time, choose one or more commissioner or commissioners in the room of him or them so dying or refusing to act, and he or they so chosen shall have the same powers and authority as the said other commissioners.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 9th day of August, 1765.

Assented to : WM. BULL.

No. 945. *AN ACT FOR APPOINTING AN ADDITIONAL NUMBER OF INSPECTORS, WHO MAY JUDGE AND DETERMINE WHAT HEMP IS INTITLED TO THE PREMIUMS OR BOUNTY GIVEN BY THE LAWS OF THIS PROVINCE.*

Preamble. WHEREAS, great delays and inconveniencies have frequently happened to the persons concerned in the making and purchasing of hemp of the growth of this Province, in recovering the premium or bounty given by law as an encouragement for the making of hemp, for want of a sufficient number of inspectors, residents in Charlestown, who might be always ready (on request for that purpose made,) to inspect, judge and determine what hemp is intitled to the said premiums or bounty, so that the said premiums or bounty might be paid by the public treasurer to the persons intitled to receive the same, without delay, and according to the intent and design of the said laws ; to remedy which evil in future, it becomes necessary to appoint an additional number of inspectors for that purpose,

Hemp
inspectors
appointed.

I. *Be it therefore enacted*, by the Honourable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, James Parsons, Daniel Doyley, William Roper, Hopkin Price and William Scott, Esquires, of Charlestown, in the said Province, shall be, and they are hereby nominated and appointed, inspectors of such hemp as shall be made in this Province, in addition to the number of inspectors already appointed by law for that purpose ; and they, the said inspectors hereby appointed, and those heretofore appointed and now in office, conjunctively, or any three of them, shall and may judge and determine what hemp is of such quality as to be entitled to the premium or bounty given by the laws of this Province as an encouragement for the making thereof.

II. *And be it further enacted* by the authority aforesaid, That the inspectors hereby appointed shall have the same powers and authority, and shall follow the same directions for a faithful performance and execution of the laws now in force for granting the premiums or bounty aforesaid, as the inspectors heretofore appointed for that purpose, to all intents and purposes whatsoever ; and that this Act shall be and continue

of force as long as the said Acts which give the premiums or bounty aforesaid remain of force, and no longer. A. D. 1766.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 9th day of August, 1766.

Assented to: WILLIAM BULL.

**AN ACT FOR RESTRAINING THE EXPORTATION OF INDIAN CORN AND No. 946.
PEAS, FOR THE TIME THEREIN MENTIONED.**

WHEREAS, the present scarcity of Indian corn and peas in this Province, makes it necessary to prohibit the exportation thereof for some time, and it is prudent always to keep a sufficient quantity of those commodities in the Province to supply the wants of the inhabitants at a reasonable rate; we therefore pray his most sacred Majesty that it may be enacted, Preamble:

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall not be lawful for any person or persons within the space of seven months next after the passing of this Act, to export or cause to be exported, or to lade on board any ship, boat or vessel, with intent to carry or transport to any place out of this Province, any quantity of Indian corn or peas, except what shall be necessary for the sustenance of the people on board such vessel in their voyage, under the penalty of one hundred pounds proclamation money for every such offence. No corn or peas to be exported.

II. *And be it further enacted* by the authority aforesaid, That every ship, boat or vessel wherein any Indian corn or peas shall be laden in order to be transported as aforesaid, within the said space of seven months, together with the tackle, furniture and apparel of the said ship, boat or vessel, and the corn and peas therein, shall be, and the same are hereby declared to be, forfeited. Penalty.

III. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for any one justice of the peace, upon suspicion that any corn or peas is about to be exported contrary to the true meaning and intent of this Act, to enter on board and search any ship, boat or vessel in this Province, and on finding any corn or peas so therein, to seize and secure the same, until condemned or restored by due course of law; and every justice of the peace who shall receive credible information of any person or persons having such intention to export corn or peas, is hereby required and enjoined to make such entry, search and seizure, under the penalty of one hundred pounds proclamation money for his default. Power of justices.

IV. *And be it further enacted*, That the penalties and forfeitures hereby inflicted, shall be to the use of any person who will inform and sue for the same, and may be recovered in any court of record in this Province; and that this Act shall be deemed and taken to be a public Act, and may be given in evidence in courts without special pleading; provided always, that nothing contained in this Act shall extend, or be construed to extend, to subject any inhabitant of this Province to the forfeitures thereby inflicted, who shall ship or send off corn or pease to the Provinces of Georgia or East Florida for the subsistence of any negroes belonging to, or which Penalties and forfeitures.

A. D. 1766.

at the time of the passing of this Act shall be under the care or direction of such person, and who have been or shall be sent from this Province, actually to reside in either of the said Provinces of East Florida or Georgia, such person making oath before a justice of the peace, prior to the exportation thereof, that the said corn or peas, expressing the quantity thereof, is bone fide shipped solely for the use of such negroes, mentioning the number of them; any thing hereinbefore contained to the contrary notwithstanding.

V. *And be it also enacted*, That in any action or suit for a matter done pursuant to the directions of this Act, where verdict or judgment shall be given against the plaintiff, the defendant therein shall recover double costs of suit.

P. MANIGAULT, *Speaker*.

In the Council Chamber, the 11th day of March, 1766.

Assented to: WM. BULL.

No. 947. *AN ACT* FOR GRANTING AND ALLOWING TO THE SEVERAL INHABITANTS OF THIS PROVINCE AND OTHERS INTERESTED THEREIN, A FURTHER TIME FOR THE PAYMENT OF THE TAXES IMPOSED IN AND BY AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, COMMONLY CALLED THE TAX ACT, PASSED THE SIXTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE.

Preamble.

WHEREAS, many causes have lately concurred to make it extremely inconvenient and difficult to his Majesty's faithful subjects of this Province, to pay the taxes imposed on them by the tax Act, passed the sixth day of April, one thousand seven hundred and sixty-five, at the times mentioned in the said Act, by which means it has become absolutely necessary to prolong the time for the payment of those taxes; we therefore humbly pray his most sacred Majesty that it may be enacted,

Clauses of a former Act repealed.

I. *And be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly, and by the authority of the same, That the said Act commonly called the tax Act, in so far as the same by the ninth section thereof enacts, "That all persons whatsoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves or monies at interest, or annuities in this Province, in their own right, or in the right of others, or are any wise liable to pay tax by virtue of the said Act, shall pay in their taxes to the several persons appointed by the said Act to receive the same, on or before the first Tuesday in April next ensuing; and that the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and that the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts, and shall deliver the same on oath to the public treasurer for the time being, (who is by the said Act impowered and required to administer such oath,) and pay him all such monies as shall be by them received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charles-

town into the hands of the public treasurer in pursuance of this Act, on or before the first Tuesday in May next ensuing;" and also the said Act in so far as the same by the sixteenth section thereof enacts, "That every person assessed as by the said Act is directed, by the assessors named in the said Act for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in May next,"—be, and is hereby, repealed, annulled and made void, to all intents, constructions and purposes whatsoever; any thing in the said Act to the contrary contained notwithstanding.

A. D. 1766.

II. *And be it further enacted* by the authority aforesaid, That all persons whatsoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves or monies at interest, or annuities in this Province, in their own right, or in the right of others, or are any ways liable to pay tax by virtue of the said Act, commonly called the tax Act, shall pay in their taxes to the several persons appointed by the said Act to receive the same, on or before the first Tuesday in December next ensuing, and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts, and shall deliver the same upon oath, to the public treasurer for the time being, (who is hereby impowered and required to administer such oath,) and pay him all such monies as shall be by them received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown into the hands of the public treasurer in pursuance of the said Act, on or before the first Tuesday in January next ensuing.

Further time allowed to pay the tax.

III. *And be it further enacted*, That every person assessed as in the said Act is directed by the assessors therein mentioned for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed or to be assessed, in pursuance of the said Act, on or before the last Tuesday in January next; and the said assessors and collectors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

IV. *And be it further enacted* by the authority aforesaid, That the said Act commonly called the tax Act, in so far as the same by the eighteenth section thereof gives a remedy and redress against any person who shall neglect or refuse to pay his, her or their tax at the days and times therein mentioned and appointed for the payment thereof; and also the said Act in so far as the same by the nineteenth section thereof gives a remedy against any taxable person who shall omit or neglect to pay his, her or their own tax, or the tax to be assessed by virtue of the said Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited in the said Act, be, and is hereby, repealed, annulled and made void in so far as is before mentioned.

18th and 19th sections of former Act repealed.

V. *And be it further enacted* by the authority aforesaid, That in case any person whatsoever shall neglect or refuse to pay in his, her or their tax at the days and times herein before mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days are fully elapsed, without further delay, levy the same in such manner, and by virtue of a warrant, to be signed, sealed and directed as in the said recited Act is mentioned.

Process.

A.D. 1766.

Defaulters.

VI. *And be it further enacted* by the authority aforesaid, That if any taxable person shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of the said Act, commonly called the tax Act, on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrants in the manner as in the said Act is directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated; and such person shall be dealt with in all other respects as a defaulter.

Powers of collectors, &c.

VII. *And be it further enacted* by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to make void, abridge or restrain any of the powers or authorities by the said Act, called the tax Act, vested in or given to the assessors, inquirers, collectors and treasurer therein mentioned, but that they, and every of them, shall on failure of any person rendering such account as is herein before mentioned, to the inquirers and collectors, or on failure of payment of the taxes within the time herein prescribed shall and may execute and perform the several matters, things, powers and authorities vested in them or prescribed by the said Act, called the tax Act; any thing herein before contained to the contrary in any wise notwithstanding.

P. MANIGAULT, *Speaker*.*In the Council Chamber, the 15th day of March, 1766.**Assented to:* WM. BULL.

No. 948. *AN ORDINANCE* TO PROHIBIT THE EXPORTATION OF RICE, AND FOR SUPPLYING THE INHABITANTS OF THIS PROVINCE, WHO ARE IN WANT THEREOF, AT THE PRICE AND FOR THE TIME THEREIN LIMITED.

Preamble.

WHEREAS, the present scarcity of provisions in this Province renders it necessary to prohibit the exportation of rice, for some time; and it is just not only that the owners of that commodity, who, by such prohibition, will be hindered from exporting or selling it to those that would export it, may have a reasonable price allowed and secured, but that they should be restrained from taking exorbitant prices for the same, and be induced to relieve the wants of their fellow subjects, upon receiving a due compensation; we therefore humbly pray his most sacred Majesty that it may be ordained,

Exportation of rice prohibited.

I. *And be it ordained*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That it shall not be lawful for any person, before the first day of September next, to ship, lade or receive on board any vessel, in order to be exported from this Province, or to lade on board and export in any vessel, any Rice, except for necessary provisions on the next intended voyage of such vessel, upon pain of forfeiting the sum of five pounds proclamation money for every barrel of rice which shall be so laden or shipped and exported; and that it shall not be lawful for any person to sell or dispose of rice before the said first day of September, one thousand seven hundred and sixty-six, at a greater price

than at the rate of three pounds current money for every one hundred neat pounds weight thereof, under the forfeiture of double the sum for which such rice shall be sold. A. D. 1766.

II. *And be it further ordained* by the authority aforesaid, That the commissioners hereinafter mentioned, or any one or more of them, shall and may receive from all persons who shall offer the same, any quantity of good, merchantable rice, and shall, until they shall be in cash for the public, give to such persons a certificate, specifying the quantity thereof, directed to the public treasurer, who shall pay for the same out of any public money in his hands, at the rate of three pounds per hundred weight, and ten shillings for the barrels; and the said commissioners, or any one or more of them, are hereby authorized to retail the said rice at the same price, with the costs of storage, commissions, at one pound five shillings per centum for buying and the same for selling, and other charges accruing thereon, to such persons as shall want the same for provisions; and the said commissioners are hereby directed and required, from time to time, to lay out all such sums of money as they shall receive for rice by them retailed, in payment for other rice, so by them to be purchased as aforesaid; and in case any rice shall remain in the hands of the said commissioners, at the time the prohibition laid on by this ordinance shall cease, then the said commissioners shall sell the same for the highest price that can be procured, and account with the treasurer for the money arising by the sale thereof. Public store of rice provided.

III. *And be it further ordained* by the authority aforesaid, That the commissioners hereinafter named shall keep just and true accounts and proper vouchers of their transactions relative thereto, and render the said accounts on oath, and pay any money in their hands by virtue of this ordinance to the public treasurer, on or before the first day of October next; and that any losses which may happen by the buying, storing and retailing rice, in manner hereinbefore directed, shall be borne by the public, and the expence thereof defrayed by a general assessment in the next tax Act.

IV. *And be it further ordained* by the authority aforesaid, That William Roper and Benjamin Simmons, Esqs., and Messrs. Thomas Legare, William Gibbes, William Logan and George Livingston, shall be, and they are hereby appointed, commissioners for putting this ordinance into execution; provided always nevertheless, that in case it shall, at any time before the said first day of September next, when the General Assembly of this Province is not sitting, appear to his Honor the Lieutenant Governor or Commander-in-chief for the time being, that there are provisions in this Province (exclusive of rice) or a sufficient quantity of rice in the hands of the commissioners for the consumption of the inhabitants of the Province until the next crop shall or may be gathered in or made, and that the prohibition hereby laid is not longer necessary, that in such case it shall and may be lawful for the Governor or Commander-in-chief for the time being, by and with the advice of his Majesty's Council of this Province, to issue his proclamation, taking off the restraint and prohibition laid and made by this ordinance. Commissioners nominated.
Proviso.

V. *And be it further ordained* by the authority aforesaid, That all the penalties and forfeitures hereby imposed shall be recoverable by action of debt in any court of record in this Province, to the use of any persons who will sue for the same; and that this ordinance shall be taken notice of in all courts, without special pleading thereof, in the same manner as public Acts are; and if any persons shall be sued for any matter done in pursuance thereof, they may plead this ordinance and the special matter in Penalties and forfeitures.

A. D. 1766. evidence upon the general issue, and upon the said suit being discontinued or judgment passing against the plaintiff therein, the defendant shall recover treble costs.

P. MANIGAULT, *Speaker*.

In the Council Chamber, the 8th day of June, 1766.

Assented to: WM. BULL.

No. 949. AN ACT to establish a public Road to lead from the Ferry commonly called John McCord's ferry, on the Congaree river, to Fishing creek, on the Catawba river; and likewise for establishing and making public a road commonly called Lee's road, which leads from the extreme parts of this Province to Howell's ferry on the Congaree river, thence to Beaver creek, and and thence to Congaree road; and also for making public and vesting in John McCord, and the proprietors of the land on the opposite side of the said John McCord, Zebulon Gaunt, Samuel Wyley and Grace Russel, respectively, the several ferries herein mentioned.

(Passed July 2, 1766. *See last volume.*)

No. 950. AN ACT for erecting a Bridge over Saltcatcher River, and for establishing a Ferry over Combahee river, and for vesting the said Ferry in Stephen Bull, his heirs and assigns, for the term of fourteen years.

(Passed July 2, 1766. *See last volume.*)

No. 951. AN ACT FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF THIRTY-FIVE THOUSAND FIVE HUNDRED TWENTY-NINE POUNDS SEVENTEEN SHILLINGS AND ONE PENNY, AND APPLYING THE SUM OF THIRTY-FIVE THOUSAND SIX HUNDRED AND SEVENTY-FIVE POUNDS EIGHT SHILLINGS AND SEVEN PENCE ONE HALF PENNY, (BEING THE BALANCE OF SEVERAL FUNDS IN THE PUBLIC TREASURY,) MAKING TOGETHER THE SUM OF SEVENTY-ONE THOUSAND TWO HUNDRED FIVE POUNDS FIVE SHILLINGS AND EIGHT PENCE ONE HALF PENNY, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE FIRST DAY OF JANUARY, TO THE 31st DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1765, BOTH DAYS INCLUSIVE, AND FOR OTHER SERVICES THEREIN MENTIONED.

WHEREAS, by a schedule made of the charges of this Government for the year one thousand seven hundred and sixty-five, and for other services in the said schedule mentioned, it appears that the sum of seventy-one thousand two hundred five pounds five shillings and eight pence one half penny, will be wanting for those purposes; for defraying whereof, we, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly of this Province, have cheerfully given and granted, and do hereby give and grant unto his most sacred Majesty the said sum of seventy-one thousand two hundred five pounds five shillings and eight pence one half penny, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, limited and appointed,

Preamble.

and to and for no other use, intent or purpose whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

A.D. 1766.

I. *And be it enacted*, by his Excellency the Right Hon. Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That a tax or sum of thirty-five thousand five hundred twenty-nine pounds seventeen shillings and one penny, current money of South Carolina, be imposed and levied on the several inhabitants of, and others interested in, this Province; which, with the sum of thirty-five thousand six hundred and seventy-five pounds eight shillings and seven pence one half penny, being the balance of several funds in the public treasury, shall be applied to the use of his Majesty, for the support of this Government, in manner as is hereinafter mentioned.

A tax of £35,529, 17s. 1d. to be levied.

II. And for the more certain and effectual levying of the said sum of thirty-five thousand five hundred twenty-nine pounds seventeen shillings and one penny, *It is hereby enacted and declared*, That the sum of seven shillings current money per head, shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of seven shillings per hundred acres on all lands throughout the said Province, town lots excepted; and the sum of three shillings and six pence per centum on the value of every such town lot, wharf and buildings, and other lands within the limits of any town, village or borough, in this Province; the bounds of Charlestown to extend as far as the new fortifications from Ashley river to Cooper river; and the sum of three shillings and six pence on every hundred pounds, owing to any person on bond or other specialty or note of hand bearing or including interest, over and above what they pay interest for; and at the rate of fourteen shillings per centum on all monies arising from annuities; and the sum of seven shillings per head on all free negroes, mulattoes and mestizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of three shillings and six pence per centum on every person's stock in trade, (that is to say) wares, merchandizes and book debts of persons in trade, shopkeepers and others; and the like sum of three shillings and six pence per centum on the profits of all faculties, professions, (the clergy excepted,) factorage, employments and handicraft trades, throughout this Province; to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information: Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish where such new settler resides, that he settled himself in this Province upon the encouragement given him by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

Rate of taxation.

Lands of new settlers exempted.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves or moneys, for which they receive interest in this Province, (lands whereon any churches or other buildings for divine worship, or for free schools, are erected or built, and all slaves appurtenant to or going with such churches or lands, and all moneys appropriated for charitable uses, always excepted,) either in their own right

Taxables to render an account of their property, on oath.

A. D. 1766.

Form of the
oath

or in the right of any other person, or are liable to pay any tax by virtue of this Act, shall, on or before the first Monday in August, which will be in the year of our Lord one thousand seven hundred and sixty-seven, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors of the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the said first Monday in August, which will be in the year of our Lord one thousand seven hundred and seven; which oath or affirmation shall be in the words following, viz: "I, A B, do swear, or affirm, (as the case shall be) that the account which I now give in is a just and true account of all the lands, slaves, and moneys I have upon bond or other specialty or note bearing or including interest, (which I believe to be good,) over and above what I pay interest for, and annuities, which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare, without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

Executions to
issue against
persons not
paying their
taxes.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever shall be obliged to make return of his or her lands, slaves, or monies at interest, in the country, over and above what he or she pays interest for, and of his or her annuities, to the inquirers and collectors for the parish or district respectively where such person lives or resides for the greatest part of the year, and pay the tax thereon to the said inquirers and collectors. And the inquirers and collectors of all and every the parishes and districts respectively, shall be, and they are hereby, authorized, empowered and required, to issue executions against all and every person or persons in their respective districts who have not paid their just proportions of the preceding tax.

Attornies and
trustees of ab-
sent persons
owning lands
in the province,
liable for taxes
on the same.

V. And whereas, there are divers tracts of land, slaves and monies at interest in this Province, held, owned or claimed by persons not resident here, who pay no taxes or other charge toward the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attornies and trustees of or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, of all lands, slaves, and moneys at interest, belonging to such absent persons, for whom they are attornies or trustees; and that such attornies or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, for such land, slaves or monies at interest, out of his and their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the said collector respectively that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it, only with an intention to avoid the payment of the said tax. Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing herein to the contrary notwithstanding; and for

Proviso.

levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively where any lands lye which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and they and he is hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or any other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act; or, after six months public notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary in any wise notwithstanding,

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Inquirers and collectors may lease such land or sell the timber, &c.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of lands shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attornies, trustee or trustees, legally constituted, in this Province, then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing within this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof, from time to time, of the assessment made, shall not be paid to the inquirers, assessors or collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding. Provided, that nothing in this Act contained shall extend, or be construed to extend, to prejudice the rights of infants or feme covert, who shall be entitled to their lands upon claiming the same within two years after they come of age or become discover, upon their paying and discharging all taxes and arrears of taxes that shall or may be due and unpaid thereon.

Lands of absent owners, for which taxes are not paid in two years after notice given, declared forfeit.

Proviso.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned respectively, viz. for the parish of Christ Church, Robert Darrill, Jr. and Charwill Wingood; for the parish of St. James Goose Creek, Robert Hume, John Moultrie, Jr. and Sedgwick Lewis; for the parish of St. John, Berkley county, Peter Witten, Job Marion and David Guerard; for the parish of St. George Dorchester, John Joor, Jr., William Joor and Richard Saltus; for the parish of St. Thomas and St. Dennis, Robert Quash, Jr., John Wigfall and Robert Daniel; for the parish of St. Andrew, James Island excepted, Edward Legge and Robert Rose; for that part of the said parish called James Island, Archibald Scott and Henry Samways; for the parish of St.

Inquirers and collectors appointed.

A.D. 1765.

John, Colleton county, viz. for John's Island, John Freer and John Wells; for Wadmelow Island, William Lowrey; for Edisto Island, William Baynard; for the parish of St. Paul, viz. for Stono and the east side of Ponpon, John Peter, Joseph Smith and James Stanyarne; and for Beach Hill, in the said parish, Samuel Elliott; for the parish of St. Bartholomew, Thomas Melvin, Jr. and Thomas Buer; for the upper district of St. Bartholomew, to wit, the north and west of the Black Creek and the main waters of the Great Swamp, directly across to Ponpon River, Jonathan Donnon and James Hamilton; for Combahee and Chehaw, in the said parish, Thomas Holman and James Bolton; for the parish of St. James Santee, William Lewis and John Drake; for the parish of St. Stephen, John Seymour and Samuel Gaillard; for the parish of Prince George Winyaw, Nathaniel Dwight, Charles Fyffe and Samuel Jenkins; and for the Welsh Tract, James Cassels; for the parish of Prince Frederick, Theodore Gourdin, Francis Britton and William Boone; for the parish of St. Mark, Josiah Canty, Matthew Singleton, Eli Kershaw, Zebulon Gaunt; for both sides of Broad River, John Pearson and Thomas Bond; and for the north side of Saluda, William Turner and Thomas Kennedy; for the parish of St. Matthew, Thomas Platt and Samuel Rowe; for the parish of St. Helena, Port Royal, Lewis Reeve, Thomas Mowbray and Henry Stuart; for the parish of St. Peter, Purrysburgh, Adrian Meyer and John Linder; for the parish of Prince William, Benjamin Garden and Daniel De Saussure; for the town and township of New Windsor, upon Savannah River, Stevens's Creek and parts adjacent, George Galphin; for the township of Saxe-Gotha and the forks between the Congree and Wateree rivers, and places adjacent, John Hamilton and John Macord.

Assessors, &c.
for St. Philip
& St. Michael.

VIII. *And be it also enacted* by the authority aforesaid, That Isaac Huger, Peter Mazyck and John Dart, be, and they are hereby appointed inquirers for the parish of St. Philip and St. Michael; and that Elias Vanderhorst, John Ward, merchant, John Benfield, Joseph Dill and Thomas Hutchinson, be, and they are hereby appointed, assessors and collectors for the said parishes of St. Philip and St. Michael.

Taxes on real
estate, &c.

When to be
paid.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, or annuities in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in December, in the year of our Lord one thousand seven hundred and sixty-seven; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts and shall deliver the same on oath to the public treasurer for the time being, (who is hereby impowered and required to administer such oath,) and pay him all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown into the hands of the public treasurer, in pursuance of this Act, on or before the first Tuesday in December, in the year of our Lord one thousand seven hundred and sixty-seven; and the inquirers, assessors and collectors of each parish or district, shall make their return of such district respectively, to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, monies at interest and

annuities, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed. A. D. 1766.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, annuities, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal. Penalty for concealment.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, annuities, lands or slaves to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in August, in the year of our Lord one thousand seven hundred and sixty-seven, at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, annuities, lands and slaves. When deemed a defaulter.

XII. *And be it enacted* by the authority aforesaid, That the inquirers for the parishes of St. Philip and St. Michael, are hereby ordered and directed, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities and money at interest of the said inhabitants, which they shall be possessed of, interested in or intitled unto in their own right, or in the right of any other person whatsoever, lying or being in the said parishes; and of all the lands and slaves which the said inhabitants are possessed of in their own right, or in the right of any other person without the limits of the said parishes, or in any other part of the Province; and the account of the real estates, slaves, money at interest, and annuities of the said inhabitants shall be returned to the said inquirers upon oath, in the manner herein before directed; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for the said parishes, on or before the first Tuesday in September, in the year of our Lord one thousand seven hundred and sixty-seven; and the said inquirers shall likewise extract and certify to the said assessors, all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitants of the said parishes in trust, for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, annuities and moneys at interest, returned in trust for persons living in the country as aforesaid, shall be reckoned as part of the country tax; provided always, that nothing herein contained shall extend, or be construed to extend, to give the said assessors any power or authority to rate or assess any goods, wares or merchandizes consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or money set apart for pious or charitable uses. Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attorneys shall have reason to believe he or she is over-rated for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the guard house in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his, her or their Persons over-rated may swear off the overplus.

A. D. 1766.

attorney or attorneys, shall think they are over-rated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any one of them, are hereby impowered and required to administer such oath and to allow an abatement accordingly.

Oath to be administered by assessors and collectors to the inquirers.

XIV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates, slaves, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael; and also of all the real estates, slaves, annuities and monies at interest, returned to you by the said inhabitants which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge: So help you God."

Inquirers to return their own property on oath.

XV. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid, to the said assessors and collectors, of their own real estates and slaves, annuities, and monies at interest in this Province; and any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown, the first Tuesday in September, in the year of our Lord one thousand seven hundred and sixty-seven, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits aforesaid, or to adjourn to any other place in the said town as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in November, in the year of our Lord one thousand seven hundred and sixty-seven, and shall cause a duplicate thereof to be posted at the guard house in Charlestown, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted; and the said assessors and all the other assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate thereof gratis: "I, A. B., do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge: so help me God."

Assessors and collectors to take an oath.

Monies to be paid over to public treasurer.

XVI. *And be it enacted*, That every person so assessed by the said assessors, for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in December, in the year of our Lord one thousand seven hundred and sixty-seven; and the said assessors and collectors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Quota of taxes to be raised in St. Philip and St. Michael.

XVII. *And be it enacted*, That the sum of three thousand eight hundred and nine pounds ten shillings and six pence half penny, appointed by the schedule to this Act annexed, to be paid by the inhabitants of the parishes of St. Philip and St. Michael, shall be added to the sum to be collected for the poor rates, and shall be raised, collected and levied by the same persons and in the same way and manner as the poor rates are raised, collected and levied on the inhabitants of, and others interested in the said parishes, and shall be by the said persons paid into the hands of the public treasurer.

XVIII. *And be it also enacted* by the authority aforesaid, That in case any person whosoever, shall neglect or refuse to pay in his, her or their taxes, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days is fully elapsed, without further delay, levy the same, by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; or shall not make oath before the collector, that he has not, directly or indirectly, conveyed away or removed his said goods or effects, whereon the money so assessed might be levied, to avoid payment of the said tax, and that he is not able to pay the same, which oath the said collectors are hereby respectively authorized and empowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz:

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Penalty for
neglect or
refusal to pay
taxes.

"A. B., C. D., E. F., collectors of the general tax for the parish or precinct of _____, in _____ county: To G. H., constable of the parish or precinct of _____, or to the provost marshal of the Province of South Carolina, or to his lawful deputy. Whereas, J. K. hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of _____, the sum of _____, for _____ tax, for defraying the charges of the _____ year, ending the thirty-first day of December, one thousand seven hundred and sixty-five, which _____ hath neglected to pay: these are, therefore, in his Majesty's name, strictly to charge and command you, to levy by distress and sale of the goods and chattels of the said J. K., the said sum of _____, together with the charges thereof; and in case the said J. K. shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said J. K. and convey _____ to the common goal in Charlestown, commanding you, the keeper of the said jail, to detain the body of the said J. K. in your custody until _____ shall pay the said sum of _____, together with the charges of keeping and detaining _____ as aforesaid; and for so doing, this shall be your sufficient warrant. Given under our hands and seals this _____ day of _____, Anno Domini _____.

Form of the
warrant.

A. B., C. D., E. F."

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, six shillings; and for every pound to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; for the constable's returning home or carrying such defaulter to the common goal, and from thence returning home, and mileage, at the same rate; and no more or any other fee whatsoever; and the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Fees of
constables, &c.

A. D. 1766.

Penalty for
neglect to pay
tax, &c.

XIX. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act, on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby impowered and required to issue their warrants in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such person ought to be rated, and shall be dealt with in all other respects as a defaulter.

Power of the
public treasu-
rer.

XX. *And be it enacted*, That the public treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes which are or were due by any former law or Act of Assembly; and the same may be recovered by virtue of a warrant, under the hand and seal of the public treasurer for the time being, directed to the provost marshal or any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables
dying or
departing.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgements, mortgages and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate, to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not then already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed.

Fraudulent
conveyances.

XXII. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Mortgagee lia-
ble to pay tax.

XXIII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor; provided, that such estate shall be in the possession of the mortgagee.

Penalty on offi-
cers for neglect.

XXIV. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, marshal, constables and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of fifty pounds proclamation money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them

respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds proclamation money, to his Majesty, for the support of this government, to be sued for and recovered by the public treasurer in any court of record in this Province.

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XXV. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes, shall refuse or neglect to give in upon oath to the public treasurer, a just and true account of all monies received by him or them, or due to his Majesty on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time herein before limited, that then it shall be lawful for the public treasurer by warrant, under his hand and seal, to commit such assessor or collector to the common goal in Charlestown, there to remain without bail or mainprize, until he or they shall have rendered upon oath to the public treasurer, a full and satisfactory account of, and shall have paid all such sums so as aforesaid by him or them collected, and shall have given in to the public treasurer an account of all monies due to his Majesty by virtue of this or any former tax Act, and the reasonable charges for such commitment.

Penalty of assessors and collectors for neglect of duty.

XXVI. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act or depart this Province before the powers and authorities hereby given them are executed, then his Excellency the Governor, or the Commander-in-chief for the time being, is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act or departing this Province; and the person and persons so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Inquirers, assessors, &c. dying or departing.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer, or the public treasurer for the time being, be, and is hereby empowered and required, to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, and all persons in arrears for taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he is hereby required and directed to prosecute all and every person or persons whatever, neglecting or refusing to do and perform the several matters required by this Act for the recovery of the penalty inflicted by the same for any such refusal or neglect.

Public Treasurer empowered to grant executions.

XXVIII. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the balance in the funds aforesaid, shall be, and is hereby obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificates shall be first filled up, numbered and signed by the treasurer, and afterwards countersigned and returned to the public treasurer, by Miles Brewton, Jeremiah Savage and Peter Porcher, Esquires, or any two of them, and they are hereby directed to keep an account in a book, of such certificates as they shall respectively sign; provided, that such certificates shall not be for less than five pounds, nor more than fifty pounds; and the said certificates shall be received in all payments to the public treasury until the last Tuesday in December, one thousand seven hundred and sixty-eight, and no longer; and the said collectors of the tax shall take and receive the said certificates in payment of taxes, for the sums therein mentioned, from all persons tendering the same; provid-

And to give certificates.

A. D. 1766.

Proviso.

ed also, that the possessors of the said certificates shall carry the same to the public treasurer to be exchanged, on or before the last Tuesday in June, one thousand seven hundred and sixty-nine; and in case any certificates shall be outstanding after that day, the public shall not be liable to make provision for the same.

General issue
may be
pleaded.

XXIX. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer or provost marshal, constable or other person, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinuance his action, the said defendant or defendants shall recover treble costs of suit.

Penalty for
counterfeiting
certificates.

XXX. *And be it also enacted* by the authority aforesaid, That any person or persons who shall counterfeit, raise or alter any of the certificates issued by virtue of any former Act, or to be issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, raised or altered; and every person and persons who shall assist, abet or procure the counterfeiting, raising or altering such certificates, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons without benefit of clergy.

XXXI. *And be it further enacted* by the authority aforesaid, That the said sum of seventy-one thousand two hundred five pounds fiveshillings and eight pence half-penny, shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise; that is to say:

SCHEDULE

Of the charges of this Government from the first day of January, to the thirty-first day of December, one thousand seven hundred and sixty-five, both days inclusive, and for other services.

ALLOWANCES TO PUBLIC OFFICERS.

To his Honor the Lieutenant Governor,	£ 3500 00 00
The Clerk of the Council,	300 00 00
The Master in Chancery,	200 00 00
William Davis, Messenger to the Council,	200 00 00
James Pratt, Door-keeper to the Council,	200 00 00
The estate of Thomas Bromley, Esq. late Clerk of the Assembly, to be paid to Jacob Motte, Esq. on assignment,	387 10 00
Thomas Farr, jun. Esq. Clerk of the Assembly, from the 28th day of October last,	106 16 09
Jonathan Badger, Messenger of the Assembly,	250 00 00
Edward Weyman, Messenger of the Assembly,	200 00 00
The Commissary Général,	400 00 00
The Clerk of the Board of Church Commissioners,	30 00 00
The Public Treasurer, his commissions on paying sundry sums of money,	32 07 02
The Agent in Great Britain, his salary,	1400 00 00
His bill of disbursements, £88 13s. 10d. sterling,	630 16 10
The estate of Thomas Bromley, Esq. late Clerk of the Committee of Correspondence, to be paid to Jacob Motte, Esq. as aforesaid,	32 05 10
John Hume, Esq. ordnance store keeper,	350 00 00

A. D. 1766.

To Jacob Motte, Esq. Public Treasurer, advanced by him to the Committee of Correspondence for the agent, over and above the sum provided for him in the last estimate, £ 126 19 06
 Jacob Motte, Esq. advanced by him to William Davis, for three years service as door-keeper of the pews, 75 00 00—£ 8411 16 01

HOUSE RENT FOR THE PUBLIC.

To His Honor the Lieutenant Governor, 700 00 00
 The Commissioners of the Free School in Charlestown, 250 00 00—£ 950 00 00

WRITING AND PRINTING FOR THE PUBLIC.

To the Clerk of the Council, for copies of the minutes of Council, entries in the Indian book, and copies of the laws for the Council, 1425 07 08
 To Thomas Skottowe, Esq., Sec'y., for fees due to the Lieutenant Governor and Secretary, viz:
 To the Lieutenant Governor, £ 89 17 06
 To the Secretary, 307 01 03—396 18 09
 The estate of Thomas Bromley, Esq. late Clerk to the Assembly, for copies of the journals, drawing bills, &c. to the 22d August last, to be paid to Jacob Motte, Esq. as aforesaid, 1269 08 00
 Thomas Farr, jun. Esquire, Clerk of the Assembly, for the same service, 300 02 00
 Jacob Motte, Esq. Public Treasurer, for his service, 479 19 06
 George Wood, for binding the journals of Assembly, 24 10 00
 Emanuel Abrahams, as a gratuity for his service, 250 00 00
 Peter Timothy, for Printing for the public, 487 18 04—£ 4634 04 03

TO BE RAISED BY PARTICULAR LAWS APPOINTING THE SAME.

To Roger Pinckney, Esq. Provost Marshal, for serving writs of election, summoning jurors and attending the courts, 150 00 00
 Jacob Motte, Esq. paid for session sermons, 30 00 00
 Clement Lampriere, Esq. his annuity on the militia law, 90 00 00
 Thomas Gill, his annuity, 90 00 00
 Mary Adamson, annuity for herself and two children, 150 00 00
 Mary Morrison, widow, annuity for herself and three children, 200 00—£ 710 00 00

FOR FORTS AND GARRISONS.

To the Commander of Fort Johnson, 200 00 00
 The Gunner of Fort Johnson, 216 00 00
 Two quarter Gunners, 192 00 00
 Provisions for four men, at £25 per annum, 100 00 00
 Gunner of Charlestown, 225 00 00
 Gunner of Craven's bastion, 100 00 00
 Gunner of Broughton's battery, 100 00 00
 Samuel Lavender, Gunner of Fort Lyttleton, his salary, at £150 per annum, to the 31st December, 1765, 302 01 06
 Brewton & Smith, for spike nail and spades, 45 19 03
 Carne & Wilson, for a spy-glass for Fort Johnson, 15 00 00
 Dewar & Bacot, for spike nails, 31 00 00
 Edward Davis, for the like, 18 15 02
 William Hall, the amount of Hercules Hall's account for work done to Broughton's battery, 183 10 00
 Laurens, Motte & Co. for sundries, 277 14 09
 Nowell, Davis & Ancrum, for sundries, 4 18 03

STATUTES AT LARGE

A. D. 1766.	To Price, Hest & Head, for a speaking trumpet for Fort Johnson, £	3 00 00
	William Pinckney, Esq. Commissary General,	22 10 00
	Henry Smith, for plank and scantling,	846 00 00
	George Parks, for sundry tools for Fort Prince George,	47 17 06
	Jacob Motte, Esq. Public Treasurer, advanced by him for repairs to Fort Prince George,	700 00 00
	Jacob Motte, Esq. advanced for fire-wood delivered at Fort Johnson,	162 10 00
	Jacob Motte, Esq. advanced for men's pay at Fort Johnson to the 31st December, 1763,	987 10 00
	Jacob Motte, Esq. for carriage to Fort Prince George,	25 16 00
	Tunis Teabout, for a tryangle for Fort Littleton,	8 12 00
	To the following persons for repairs of Fort Prince George, viz :	
	To Jonathan Neile, for a balance due to him,	19 09 06
	Gideon Beek,	73 09 03
	James Shepherd,	17 00 05
	John Mills,	158 05 00
	Jonathan Stimson,	37 00 00
	James Stevens,	24 15 00
	Robert Burt,	5 12 06
	Richard Rochere,	9 00 00
	John Christie,	75 17 06
	Luks Croft,	5 05 00
	Charles Beeks,	40 05 00
	John Clarke,	58 10 00
	Charles Turney,	23 00 00
	Rodrick Davis,	8 00 00
	William Potter,	32 12 06
	Robert White,	7 06
	John Campbell,	15 00 00
	Benjamin Mathison,	1 10 00
	James Legolt,	25 02 06
	Isaac Lewis,	51 02 06
	Michael Earlybush,	15 15 00
	John Taylor,	18 07 06
	Jacob Shortman,	29 05 00
	Thomas Brown,	17 05 00
	William Thomson,	16 10 00
	Thomas Harrison,	24 12 06
	David Allen,	7 10 00
	William Tulix,	22 07 06
	Robert Harris,	21 00 00
	George Holmes,	13 10 00
	Robert Hainsworth,	14 05 00
	Joseph Carpenter,	15 15 00
	William Perry,	10 10 00
	Thomas Dowling,	12 07 06
	Thomas Baches,	10 02 06
	James Holmes, for a balance due to him for the carriage of the materials,	348 00 00
	George Robertson, Overseer of the Works,	75 00 00
	James Pritchard, Clerk of the Works,	100 00 00
	Ensign George Price, for sundry disbursements	59 16 03
	Ditto, a second account for repairs in 1764,	172 19 00
	Ditto, a third account for balance of cash advanced by him to the workmen,	60 14 06
	John Murray, Esq. for provisions supplied the carpenters, waggoners and smiths at Fort Prince George, to be paid by the Treasurer, if it shall appear to him that those persons were not soldiers of the garrison,	170 06 06—£ 6732 17 08

A. D. 1766.

FOR THE PUBLIC ARMS AND ORDNANCE STORES.

To Braund and Egan, for transporting ordnance stores to the Arsenal,	£102 07 06
John Hume, ordnance store-keeper, his account for cleaning muskets, &c.	277 06 03
Jacob Motte, Esq. advanced by him for transporting stores to the Arsenal,	150 00 00—£ 529 13 09

FOR INDIAN EXPENCES.

To Corrie & Scott, for David McDaniel's pay, as Indian interpreter at Fort Prince George, from the 20th of May to the 20th November, 1763, indorsed to them,	150 00 00
John Dodd, for gunsmith's work,	10 05 00
John Fairchild, for surveying 20,000 acres of land for the Chickesaw Indians,	184 03 04
William Pinckney, Esq. Commissary General, for subsistence of Indians,	42 06 03
Aaron Price, constable, his fees in removing persons who had encroached on the Indian lands at Reedy River,	24 05 00
Samuel Wyley, the proportion of this Province, for surveying a tract of land for the Catawba Indians,	500 00 00—£ 910 19 07

FOR FRONTIER FORTS.

To Sarah Linning, for a box of medicines,	25 00 00
The Estate of Ulrick Tobler, deceased, for John Bear's certificate, for 400 bushels of corn, impressed in 1760,	300 00 00—£ 325 00 00

FOR THE FORCES.

To the late churchwardens of St. Philip's parish, for support of soldiers' wives, orphans, and transient poor,	1647 16 07
Jacob Motte, Esq. advanced by him for firewood,	196 10 00—£ 1844 06 07

FOR THE SCOUTS FROM THE MILITIA.

To Christopher Rowe, for provisions for a scout,	£ 21 17 06
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PAROCHIAL CHARGES.

To Benjamin Baker, for repairs of the public pews in St. Michael's church,	95 00 00
The churchwardens and vestry of St. Matthew's parish, towards building a church, and purchasing a glebe and parsonage house,	1500 06 00
The churchwardens and vestry of St. James Goose Creek, for repairs to the parsonage house and kitchen,	495 10 00
Robert Rivers, Thomas Heyward and Benjamin Stone, for repairs to the chapel on James Island,	281 00 00
The churchwardens and vestry of the parish of Prince Frederick,	215 10 00
The churchwardens of the parish of St. John, Colleton county, for repairs of the church and parsonage house,	500 00 00
Towards building or purchasing a parsonage house for the parish of St. Michael, Charlestown,	2500 00 00—£5587 00 00

FOR CORONER'S INQUESTS.

To James Henry Butler, for summoning of jurors,	21 00 00
Oliver Cromwell, for the like service,	5 05 00
James Casey, for the like service,	12 10 00
George Davis, for the like service,	5 05 00
William Harvey, Esq. of St. Helena, for an inquest,	10 00 00
Wm. Mason, Esq. Coroner for Berkley county, for inquests,	123 11 00

A.D. 1766.	To James Simpson, Constable, for summoning jurors,	£15 00 00
	John Snow, for the like service,	7 02 06—£ 199 13 06

FOR CRIMINALS.

To the Chief Justice, his fees on prosecuting of criminals,	325 02 06
The Clerk of the Crown, for his fees,	431 00 06
Thomas Anderson, for conveying a criminal to goal,	33 10 00
John Burrows, for painting 48 constables' staves,	48 00 00
George Davis, for making 48 constables' staves,	24 00 00
Henry Gussendenner, for constable's fees,	25 00 00
William Loockock, for medicines for sick criminals,	183 00 00
Egerton Leigh, Esq. Attorney General, fees on prosecuting them,	1023 12 06
Roger Pinckney, Esq. for subsistence of prisoners,	1587 10 06
John Rutledge, Esq. late Attorney General, fees on prosecuting them,	911 05 00
John Snow, for constable's fees,	12 00 00
Benjamin Sims, balance due him for conveying a criminal to goal,	14 14 00
Jacob Motte, Esq. advanced by him to constables,	1890 10 07
George Welch, for conveying a criminal to goal,	14 12 08—£ 6523 17 16

FOR CRIMINAL SLAVES EXECUTED.

To Andrew Allison, for a negro executed,	200 00 00
The Estate of William Anderson, deceased, for two negroes executed,	400 00 00
James Boswood, senior, Blacksmith, for two gibbets, and erecting them,	104 00 00
Miles Brewton, Esq. for a fugitive slave killed by a party in pursuit of runaway negroes,	200 00 00
John Drayton, Esq. for a negro executed,	200 00 00
Thomas Dixon, for a negro executed,	200 00 00
Lewis Reeve and John Strickling, for two negroes executed, at £200 each,	400 00 00
Aaron Fryerson, for a negro executed,	200 00 00
To Francis Stuart, on a certificate of Richard Capers, for a negro executed,	200 00 00—£ 2104 00 00

CONSTABLES' FEES ON TRIALS OF SLAVES.

To James Armstrong, for constable's fees on the trial of criminal slaves,	22 05 00
James Henry Butler, for constable's fees,	25 17 06
Thomas Farr, for amount of Samuel Chandler's account of constable's fees indorsed to him,	18 07 06
Oliver Cromwell, for constable's fees,	17 17 06
Benjamin Duke, for the same service,	16 17 06
John Dunlap, ditto,	17 01 03
George Davis, ditto,	6 07 06
Percival Dring, ditto,	69 00 00
William Murrel, ditto,	16 08 09
Edward Mortimer, ditto,	13 00 00
John Matthews, ditto,	24 19 00
William Pawley, and Thomas Starrat, ditto,	21 03 09
William Pawley, (two accounts) for constable's fees,	19 17 06
James Simpson, for the same service,	15 00 00
Peter Simons, ditto,	14 08 09
James Smith, ditto,	17 05 00
James Witter, ditto,	12 05 00—£ 350 01 06

FOR THE PUBLIC BUILDINGS.

A. D. 1766.

To Jonathan Badger, for his salary and disbursements for the Assembly room,	£78 13 09
Brewton & Smith, for two fire grates for the Assembly room,	500 00 00
Bernard Beekman, for a pump for the barracks,	12 10 00
John Braund, for his salary as barrack master, from the 1st January to the 7th of October, 1764,	153 06 08
William Davis, for his salary as keeper of the State House and disbursements,	126 05 00
James Gordon, for a circular window frame and sash,	18 10 00
Solomon Legare, Jr. for chairs for the jury room,	18 05 00
Richard Muncriff, for carpenter's work,	247 18 09—£ 1155 09 02

SUNDRIES TO BE PAID BY THE INHABITANTS OF CHARLESTOWN.

To Bernard Beckman, for playing the fire engines and repairing the pumps in Charlestown,	150 14 00
Gabriel Manigault, Esq. for money advanced by him to the commissioners of the streets and fire masters,	228 11 09½
Richard Muncriff, for repairing and disbursements for the fire engines,	57 00 00
George Sheed, for the like service,	94 16 03
Jacob Motte, Esq. for balance due him on the watch company's account the last year, and omitted to be inserted in the last estimate,	963 14 06
Teabout and Johnson, for work done for the fire masters,	22 06 00
James Verree, for repairs and disbursements for the fire engines,	58 00 00
Joseph Verree, for work done for the fire masters,	34 10 00
To Thomas Young, for repairing the wells in Charlestown,	20 12 06
The Commissioners of Roads for St. Philip's parish,	100 00 00
The Commissioners of the Streets in Charlestown,	1400 00 00
Jonathan Badger, for the valuation of a house pulled down in the late fire,	100 00 00
Jacob Motte, Esq. balance due to him on the Charlestown Watch account,	579 05 06—£ 3809 10 06½

EXTRAORDINARY EXPENCES.

To Thomas Boone, Esq. late Governor,	8273 12 02
For a marble statue of the Right Honorable William Pitt, Esq. to be erected in this Province,	7000 00 00
To Charles Garth, Esq. Special Agent for this Province, for his services,	1400 00 00
Captain Jacob Stevens, for his pay, and also for the pay of 13 men under his command in pursuit of runaway negroes,	360 00 00
Captain Jacob Stevens, a second account, for subsistence of the Catawba Indians and necessities supplied them whilst with him in pursuit of runaway negroes,	140 19 00
Jacob Motte, Esq. advanced by him to the Committee appointed to attend the Congress at New-York,	2004 11 10
Jacob Motte, Esq. advanced for firewood and candles in the late alarm,	42 07 06
Peter Collins, for a horse impressed to carry an express,	20 00 00
For contingent services,	1000 00 00

A. D. 1766. To Jacob Motte, Esq. public treasurer, for bounty paid by
 him on hemp, from the 18th of March, 1765, to the 7th
 of May, 1766,
 Negro Sampson, his annuity,

£6105 07 03
 50 00 00—£26,796 17 06
 £71,205 05 08½

P. MANIGAULT, *Speaker*.

In the Council Chamber, the 2nd day of July, 1766.

Assented to: C. G. MONTAGU.

No. 952. *AN ORDINANCE* FOR APPOINTING BENJAMIN SIMONS, ESQ. COMMISSARY GENERAL OF THIS PROVINCE.

WHEREAS, William Pinckney, Esq. the late Commissary General is deceased, and it is necessary that some other fit person should be appointed in his room, pursuant to the directions of the Act of the General Assembly in that case made and provided;

I. *Be it therefore ordained* by his Excellency the Right Honorable Lord Charles Greville Montagu, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Benjamin Simons, Esq. be, and he is hereby declared and ordained to be, Commissary General of this Province, to all intents and purposes whatsoever.

P. MANIGAULT, *Speaker*.

In the Council Chamber, the 11th day of December, 1766.

Assented to: C. G. MONTAGU.

No. 953. *AN ACT* for erecting a Bridge over Wappetaw Creek, and establishing a new road to and from the said bridge, and for discontinuing the old bridge over the said creek, and part of the old road leading to and from the said old bridge; and for putting the road leading from the plantation of Clement Lampriere, Esq. at Hobcaw, to the public road leading to the parish church of Christ Church, under the direction of the board of commissioners of the said parish.

(Passed April 18, 1767. *See last volume.*)

No. 954. *AN ACT* for empowering the commissioners of the streets in Charlestown to lay out and continue old Church-street to George-street in Ansonborough, and for building a bridge and causeway at the north end of the Bay of Charlestown.

(Passed April 18, 1767. *See last volume.*)

A. D. 1767.

AN ACT for establishing a Ferry over Port Royal River, from Beaufort No. 955.
to Whitehall, on Lady's Island.

(Passed April 18, 1767. *See last volume.*)

AN ACT FOR ERECTING A CHAPEL OF EASE IN THE UPPER PART OF No. 956.
ST. GEORGE'S PARISH, AND FOR OBLIGING THE RECTOR OR MINISTER
OF THE SAID PARISH TO PERFORM DIVINE SERVICE THEREIN; AND FOR
REPEALING THE SEVENTH PARAGRAPH OF AN ACT OF THE GENERAL
ASSEMBLY, PASSED THE 25th DAY OF MAY, 1745, AND AN ACT PASSED
THE 13th DAY OF APRIL, 1756; AND FOR APPOINTING CERTAIN COM-
MISSIONERS IN THE UPPER PART OF THE SAID PARISH, TO BE ADDED
TO THE PRESENT BOARD OF COMMISSIONERS; AND ALSO FOR APPOINT-
ING CERTAIN COMMISSIONERS FOR CARRYING INTO EXECUTION AN ACT
OF THE GENERAL ASSEMBLY, PASSED THE 9th DAY OF APRIL, 1734.

WHEREAS, the inhabitants of the upper part of the parish of St. George, living at a considerable distance from the parish church, by their humble petition have prayed for a law to be passed for establishing and erecting a chapel for the benefit of having divine service performed near them, and for obliging the rector or minister of the said parish to preach and perform divine service therein; and also for repealing the seventh paragraph of an Act of the General Assembly, passed the twenty-fifth day of May, one thousand seven hundred and forty-five, for laying out a road from Stead's Creek to the plantation of Jeremiah Knott, and from thence to cross the Cypress Swamp, in the line between Mr. John Postell and Mr. Benjamin Waring, and to continue in the said line, over the swamp, till it is intersected by a road which is cut open almost to the said line; and also for repealing another Act, passed the thirteenth day of April, one thousand seven hundred and fifty-six, for laying out, making and keeping in repair a road from the bridge commonly called Minnick's bridge to the fifteen miles post on the road leading from Orangeburgh township to Charlestown, and for rebuilding the said bridge and keeping the same in repair: And whereas, the commissioners who were appointed to carry into execution an Act of the General Assembly, passed the ninth day of April, one thousand seven hundred and thirty-four, for clearing and cleansing and making navigable the head of Ashley river, from the bridge commonly called Waring's bridge to the bridge commonly called Stevens's bridge, and from the said bridge to Dorchester bridge, and from thence to the plantation of Samuel Wragg, Esq. inclusive, are all dead; we therefore most humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a chapel of ease shall be built in the upper part of the parish of St.

A chapel of
ease to be built
in the parish of
St. George.

A. D. 1767.

George, at the north side of the Four Holes Swamp, within three miles of the said swamp; and that David Rumph, William Young, Daniel Linder, William Steads, Jr. and John Brotherer, be, and they are hereby appointed, commissioners for building the said chapel of ease.

The rector to preach in the said chapel every sixth Sunday.

II. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish of St. George shall be, and he is hereby, obliged, enjoined and required to perform divine service at the said chapel of ease every sixth Sunday, provided it happen not upon Easter Sunday, Whit Sunday of Christmas day, and in such case to preach on the next Sunday after, and from thence again on every sixth Sunday.

Former Acts repealed.

III. *And be it further enacted* by the authority aforesaid, That the seventh paragraph of the above recited Act of the General Assembly, passed the twenty-fifth day of May, one thousand seven hundred and forty-five, and also the above recited Act of the General Assembly, passed the thirteenth day of April, one thousand seven hundred and fifty-six—be, and they are hereby repealed, and declared to be null and void, to all intents and purposes whatsoever.

Inhabitants to work on the roads.

IV. *And be it further enacted* by the authority aforesaid, That all the male inhabitants in the said parish of St. George, from the age of sixteen to sixty years, who were obliged by the aforesaid two recited Acts to work on the said roads, shall be subject and obliged, from and after the passing of this Act, to work on the road leading from Dorchester to Orangeburgh, in such manner as shall be ordered and directed by the board of commissioners of the said parish of St. George.

Commissioners of roads appointed.

V. *And be it further enacted* by the authority aforesaid, That David Rumph, William Steads, Jr., Daniel Linder, George Draxler, William Young and Samuel Rigs, be, and they are hereby appointed, commissioners of high roads, to be added to the present board of commissioners of the high roads for the said parish of St. George; and that the said commissioners shall and may have, use and exercise the same powers and authorities as the several commissioners of high roads or public paths have in this Province by any Act of Assembly.

VI. *And be it further enacted* by the authority aforesaid, That the Hon. Daniel Blake and Daniel Doyley, Esqs., Benjamin Waring and William Sanders, Esqs., and Henry Smith, James Smith and James Sanders, be, and they are hereby appointed, commissioners in the room of those who were nominated in the above recited Act of the General Assembly, passed the ninth day of April, one thousand seven hundred and thirty-four; and that the said commissioners, or a majority of them, shall and may have, use and exercise the same powers and authorities as were vested in the commissioners named in the said Act, except only such part of the said Act as relates to the lands and river below Dorchester bridge.

P. MANIGAULT, *Speaker*.

In the Council Chamber, the 18th day of April, 1767.

Assented to: C. G. MONTAGU.

A. D. 1767.

AN ACT FOR GRANTING TO HIS MAJESTY THE SUM OF SIXTY THOUSAND POUNDS, FOR THE BUILDING AN EXCHANGE AND CUSTOM HOUSE, AND NEW WATCH HOUSE, IN CHARLESTOWN, FOR THE SERVICE OF THIS GOVERNMENT, AND FOR OTHER SERVICES THEREIN MENTIONED, AND FOR APPOINTING AND IMPOWERING COMMISSIONERS TO EXECUTE THE SAME. No. 957.

WE, his Majesty's most dutiful and loyal subjects, the representatives of the freemen of this Province, now met in General Assembly, taking into our consideration how useful a proper exchange and custom house for the ease and convenience of your Majesty's subjects, particularly the trading part of the inhabitants of this Province, would be, and how necessary it is on every occasion to give all due encouragement to the promoting trade and commerce, have cheerfully given and granted unto your most sacred Majesty the sum of sixty thousand pounds current money of this Province, to be raised and applied as well for the purposes aforesaid as for the other uses mentioned in this Act; and we do therefore humbly pray his most excellent Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an exchange and custom house, for the use, ease and convenience of the inhabitants of this Province, proper and sufficient for the assembling and meeting of persons concerned in promoting trade and commerce, for the keeping the offices of the collector of his Majesty's customs, and the naval office, and for the meeting of the inhabitants of the town and Province, be with all convenient expedition, erected, built and finished at or near the east end of Broad street in Charlestown, on the land hereinafter appointed for that purpose, which shall from time to time and at all times hereafter be kept for the purposes before mentioned, and shall not be applied to any other use.

Exchange and custom house to be built in Charlestown.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or a majority of them, shall be, and they are hereby fully authorized, empowered and directed to contract or agree with any proper person or persons for the furnishing and providing able and sufficient workmen, and all manner of useful and necessary materials whatsoever, for and towards the erecting, building and finishing the said exchange and custom house, and also the watch house hereinafter mentioned, as the said commissioners, or a majority of them, shall think most proper for the public benefit; but, that the said exchange and custom house shall be erected, built and finished according to the plan and elevation thereof, which has been agreed to by the Commons House of Assembly of this Province, and which is hereunto annexed.

Commissioners to contract for the building of exchange and watch house.

III. *And be it further enacted* by the authority aforesaid, That the Honorable Peter Manigault, Esq. and Benjamin Smith, James Parsons, Thomas Lynch, Henry Laurens, Benjamin Dart, Miles Brewton, John Rutledge and Charles Pinckney, Esquires, be, and they are hereby appointed, commissioners for contracting and agreeing with proper persons as aforesaid, and to superintend the management and carrying on the business aforesaid, according to the true intent and meaning of this Act; and in case any of the said commissioners shall die, depart this Province, or refuse to perform what they are required to do by this Act, the remaining com-

Commissioners appointed.

A. D. 1767.

missioners for the time being, or a major part of them, shall nominate and appoint, under their hands and seals, another proper person in his place, who shall be a commissioner for putting this Act in execution, to all intents and purposes as if he was herein expressly named.

IV. And whereas, the public ground on the bay of Charlestown whereon the watch house or old council chamber stands, and some slips or pieces of land belonging to some private persons thereto adjoining, has been thought the most proper place for erecting the said exchange and custom house; *Be it therefore enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority to erect and place, or cause to be erected and placed, the said exchange and custom house on the said lands, as well public as private property, and that so soon as the said exchange and custom house is begun to be built, the said lands on which the same shall happen to be placed, as well public as private property, and also thirty-feet for a public street to the south, east and north of the walls of said intended exchange and custom house, shall, and the same is hereby declared to be, vested in his Majesty, his heirs and successors, for the use of the public of this Province; any law, usage or custom to the contrary notwithstanding; and the owner or owners of such slips or pieces of land as may be used or retained for the purposes aforesaid, shall have such a recompence and allowance paid them for the loss of their said land by the commissioners aforesaid or a majority of them, out of the monies provided by this Act, as shall be appraised on oath and agreed upon and certified in writing under their hands and seals, by any four indifferent persons, freeholders, two to be named by the said commissioners and two by the owner or owners of the said slips or pieces of land, and if they cannot agree therein, then they the said four persons shall and may choose one proper person, being a freeholder, as an umpire to decide the same on oath as aforesaid.

Commissioners
to contract for
building watch
house, &c.

V. And whereas, it will be necessary and prudent before the present watch house is taken away for the purposes aforesaid, that a new watch house should be built for the use of the public, *Be it therefore enacted* by the authority aforesaid, That the said commissioners, or a majority of them, from and immediately after the passing this Act, shall contract or agree with some proper person or persons for the furnishing with the greatest expedition, all necessary materials and workmanship for the erecting and completing a proper and handsome watch house, to be paid for out of the monies provided by this Act, on the north east corner of the public land, called the armory ground in Charlestown, aforesaid, of such dimensions, materials, useful rooms and conveniencies, and for such price or prices, and on such terms and conditions, and on such a plan, as to the said commissioners, or a majority of them, shall seem necessary and most proper to answer the ends for which such new watch house is designed by this Act; and that as soon as the said new watch house shall be finished and possessed by the town watch, and not before, the said commissioners, or a majority of them, shall have full power and authority, and they are hereby enjoined and required, to contract and agree on such terms as they shall think proper, with any proper person or persons, to take away and remove the said old watch house or the old materials thereof off the land where it now stands, in order to the erecting and building the said exchange and custom house in manner aforesaid.

VI. And whereas, the said sum of sixty thousand pounds is computed to be fully sufficient to defray the expence of erecting and completing the said exchange and custom house and new watch house as before directed, and also for paying the owner or owners of the lands aforesaid necessary to be vested in the public for the purposes aforesaid, and also for

defraying all incidental, necessary and reasonable charges and expences relative to the said public buildings; therefore, that a proper fund be provided for raising the said sum, *Be it further enacted* by the authority aforesaid, That immediately from and after the passing this Act, an additional duty shall be, and is hereby, imposed and laid, and shall be paid, over and above the dutys imposed on the hereinafter mentioned commodities by the Act of the General Assembly of this Province commonly called the general duty law, and raised and collected in the same manner as that law directs, that is to say, on every pipe of wine, four pounds and ten shillings, and so in proportion for a greater or less quantity; on every gallon of rum, nine pence; on every hundred pounds weight of white biscuit, (made in the plantations,) three shillings and nine pence; on every hundred pounds weight of midling biscuit, made as aforesaid, two shillings and six pence; on every hundred pounds weight of brown or ship biscuit, made as aforesaid, one shilling and eight pence; on every hundred pounds weight of flour, (of the produce of the plantations,) two shillings and six pence; all the said additional dutys to be paid in the current money of this Province; provided, that the same abatement be made for drawback, wastage or leakage, as is directed and appointed by the said general duty law.

A. D. 1767.

Additional duty to be levied on particular articles, &c.

VII. And whereas, it is computed the additional duty hereby imposed will raise a sum sufficient to sink the said sixty thousand pounds in five years or thereabouts, *Be it therefore enacted* by the authority aforesaid, That the said additional duty shall be paid for five years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly; and in case it should raise more than the said sum, the surplus shall be applied as the General Assembly shall direct; and in case there should be a deficiency in the said fund, then the said additional duty hereby imposed shall continue and be paid until such deficiency shall be fully raised, besides the commission to the treasurer as provided by the general duty law, but not after.

When additional duty shall cease to be paid.

VIII. *And be it further enacted* by the authority aforesaid, That for a supply of monies to begin, carry on and finish the aforesaid new watch house, exchange and custom house, and other services herein before mentioned, it shall and may be lawful for the said commissioners, and they, or any five of them, are hereby required to procure public orders to be stamped equal to the sum of sixty thousand pounds current money of this Province, and no more, that is to say, three thousand orders of the denomination of twenty pounds, which orders shall be signed by the said commissioners or any five of them, and shall have such signatures and devices as the said commissioners or a majority of them shall think fit, and shall be in the words following, that is to say,

Commissioners to procure public orders to be stamped.

"SOUTH CAROLINA.

(No. ———.)

"This order intitles the bearer to a credit equal to twenty pounds in the current money of this Province, and shall be received by the public treasurer in payment of all duties and taxes whatsoever until the twenty-ninth day of September, one thousand seven hundred and seventy-two, and no longer, according to the Act of the General Assembly. Dated the ——— day of ———, one thousand seven hundred and ———, and in the ——— year of his Majesty's reign."

Form.

IX. *And be it also enacted* by the authority aforesaid, That when the said orders shall be so stamped and prepared, they shall be regularly numbered and signed by the said commissioners, or a majority of them, and then delivered into the hands of the public treasurer, in such sums and proportions, until the whole sixty thousand pounds is delivered, as will answer their drafts and orders in favor of any person or persons, they, the

Orders when stamped to be delivered to public treasurer, &c.

A. D. 1767.

said commissioners, or a majority of them, shall draw on the said treasurer for relative to the matter aforesaid; and the said treasurer shall accordingly pay the said orders or drafts according to their tenor; and the said stamped orders as aforesaid shall pass in payment of all duties and taxes to the public treasury, for the value therein expressed, until the said twenty-ninth day of September, one thousand seven hundred and seventy-two, but not after.

Treasurer to
redeem and
cancel the
orders.

X. *And be it also enacted* by the authority aforesaid, That the public treasurer for the time being shall be, and he is hereby, obliged and required, from time to time, as any money shall come to his hands on account of the additional duty imposed by this Act, to exchange the same for so much of the said stamped orders as shall be then in his hands or tendered him for that purpose, and shall immediately cross or deface such and so many of the said stamped orders as he shall have such money as aforesaid to exchange; and the said treasurer shall not upon any account or pretence whatsoever, re-issue any of the said orders so to be exchanged by him as aforesaid, but shall cross or deface the same, and carefully retain them in his hands, to be burnt and destroyed in the presence of a committee to be appointed for that purpose by the Council and Assembly; and that any person or persons who shall counterfeit, raze or alter any of the public stamped orders issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, razed or altered, and every person and persons who shall assist, abet or procure the counterfeiting, razing or altering such orders, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons without the benefit of the clergy.

Penalty for
counterfeiting.

Lower rooms to
be rented.

XI. And whereas, the completing the said exchange and custom house according to the plan hereunto annexed, will make several large and useful cellars or under stores beneath the area of the said building, which may be let and rented out to great advantage, *Be it therefore enacted* by the authority aforesaid, That the public treasurer for the time being, after the said cellars or under stores are fitted and completed, (excepting such of them as the commissioners aforesaid, or a majority of them, shall think necessary to assign for the keeping fuel and other office necessities for the officers and proper persons who may be hereafter put and placed in or about the said exchange and custom house,) shall let the same on the best terms he can to any person or persons willing to rent them, on account of the public, and shall receive the rents arising therefrom and give due acquittances for the same; and in case of neglect or refusal to pay the said rent according to the terms on which the said cellars or under stores shall be let, the said public treasurer is hereby authorized and empowered to distrain for the same, and act therein as fully, to every intent, as any private landlord can or may lawfully do for the recovery of rents; and the monies arising from the rents aforesaid (after paying thereout an annual allowance of one hundred pounds currency to some proper person hereafter to be appointed by the public treasurer for the time being, as keeper of the exchange, whose business shall be to keep the area of the said exchange always clean swept and in good order, and after deducting thereout what may be thought necessary by the said public treasurer for the time being, for fresh painting and mending of windows, and other reparations of the said building,) shall be applied as the General Assembly shall think proper.

Vendue to be
pulled down.

XII. *And be it also enacted* by the authority aforesaid, That as soon as the said exchange shall be completed and laid open for use, that the said commissioners, in order that the present vendue house should no lon-

ger obstruct the passage of the Bay and Tradd-street, shall have full power and authority, and they are hereby directed and required, to cause to be pulled down and levelled the said old vendue house.

A. D. 1767.

XIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever, to carry, send or bring any slaves, goods, wares, merchandizes, or other effects whatsoever, to sell or offer for sale, either publicly or privately, into the said exchange, on pain of forfeiting to his Majesty, his heirs and successors, for the use of the public of this Province, all such slaves, goods, wares, merchandizes or other effects; and in case of any such forfeiture, the public treasurer or any person authorized by him, shall seize and immediately sell the said forfeited effects for cash, and the monies arising thereby shall retain in his hands on account of the public, to be applied as the General Assembly shall think fit.

Selling goods,
&c. in the ex-
change prohib-
ited.

XIV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be allowed to nominate a clerk, and to remove and change him at their pleasure, and to make such clerk a reasonable allowance for his trouble out of the said fund, whose duty and business shall be to keep a journal of the proceedings of the said commissioners, and to enter therein distinct and fair accounts of all contracts, orders, issued drafts on the treasury, receipts, payments, and other matters and things in and concerning the several duties and services the said commissioners are directed to execute and perform by virtue of this Act; and the said commissioners or their said clerk, when thereunto required by the General Assembly, shall, from time to time, lay a fair state of the said journal and proceedings before them; and immediately after finishing the said business hereby required to be done and performed, shall account for and pay into the hands of the public treasurer any overplus money over and above what has been necessarily expended, laid out and employed in and about carrying on and finishing the said work.

Accounts to be
rendered.

XV. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners or any person acting under their direction, shall be sued or prosecuted for any matter or thing done in execution of this Act, it shall and may be lawful for them or any of them to plead the general issue, and to plead and give this Act and the special matter in evidence to the court and jury; any law, usage or custom to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 18th day of April, 1767.

Assented to: C. G. MONTAGU.

NOTE.—This Act is accompanied by drawings of the buildings, which are omitted.

AN ACT for the more frequent holding of the Courts of General Sessions of the Peace, Oyer and Terminer, Assize, and General Goal Delivery, and to appoint and establish a new list of Jurymen, and to authorize and empower the assistant judges to take renunciations of dower from feme covert.

No. 958.

(Passed April 18, 1767. See last volume.)

A. D. 1767.

No. 959. *AN ACT* FOR GRANTING TO HIS MAJESTY THE SUM OF EIGHTEEN THOUSAND POUNDS CURRENT MONEY, TO BE PAID FOR A GENERAL SURVEY OF THIS PROVINCE, AND FOR APPOINTING COMMISSIONERS TO ENTER INTO A WRITTEN AGREEMENT WITH TACITUS GAILLARD, Esq. AND MR. JAMES COOK, FOR THAT PURPOSE.

Preamble.

WHEREAS, an actual and exact survey of this Province will greatly promote his Majesty's service and the interest of the said Province; and whereas, Tacitus Gaillard, Esq. and Mr. James Cook, have proposed to perform the said survey, and return large and accurate maps and draughts of the said Province, for the sum of eighteen thousand pounds currency, which proposals the House of Assembly have resolved to agree thereto; therefore, we, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly of the said Province, have cheerfully given and granted to his most sacred Majesty the sum of eighteen thousand pounds currency of this Province, for carrying on and completing the said survey; and, in order to procure the most expeditious and adequate performance of the same, we pray his most sacred Majesty that it may be enacted,

Commissioners appointed to superintend the survey of this Province.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Benjamin Smith, Benjamin Dart, Charles Pinckney, Peter Porcher, John Rutledge, Isaac Porcher and Benjamin Guerard, Esquires, shall be, and they are hereby appointed, commissioners for agreeing with the said Tacitus Gaillard and James Cook, for the purposes aforesaid; which commissioners, or a majority of them, are hereby fully authorized and required, immediately after the passing of this Act, to draw up and execute such an agreement between themselves, in behalf of the public, and the said Tacitus Gaillard and James Cook, with proper penalties to be therein comprised, as to the said commissioners, or a majority of them, shall appear to be proper or necessary to ascertain the expeditious and punctual performance of every part of the proposals abovementioned, which have been agreed to by the Commons House of Assembly, and which are hereunto annexed; and the said commissioners, or a majority of them, shall have full power and authority, and are hereby directed, from time to time, to draw upon the public treasurer for such sum or sums of money, not exceeding in the whole the abovesaid sum of eighteen thousand pounds, as they shall think necessary for commencing, carrying on and completing the said survey; and the public treasurer is hereby enjoined and required to pay all such draughts of the said commissioners, out of any public money in the treasury.

Surveyors empowered to enter on and pass through all lands and premises.

II. *And be it further enacted* by the authority aforesaid, That the said Tacitus Gaillard and James Cook, or either of them, or their or either of their servants or attendants, in the pursuit of the intended survey, shall have full power and authority to enter on and pass through any lands or premises belonging to his Majesty, or any person or persons whatsoever: provided, they shall do no unnecessary damage to the proprietors or possessors of the lands they shall so pass through; for which this Act shall be their sufficient authority, and shall be given in evidence on the general issue pleaded, in bar to any action that may be brought against them, or any of them, for such entry and passage.

III. *And be it further enacted*, That in case the said Tacitus Gaillard and James Cook, or either of them, shall happen to die before the said survey shall be completed, it shall and may be lawful for the executors or administrators of him or them so dying, to procure some proper person, to be approved of by the said commissioners or a majority of them, to continue, complete and finish the said survey, according to the true intent and meaning of this Act; and in case Tacitus Gaillard or James Cook, or either of them, shall happen to die, and their or either of their executors or administrators shall neglect or refuse to provide a proper person as aforesaid, then it shall and may be lawful for the said commissioners, or a majority of them, to employ any other fit person or persons to continue, complete and finish the said survey, upon the terms and in the manner directed by this Act.

A. D. 1787.

Case of the
surveyors
dying.

PROPOSALS OF TACITUS GAILLARD, Esq. AND MR. JAMES COOK.

1st. That they will measure every public road from Charlestown, northwardly to the boundary line, southwardly to Savanna river, and westward to the Indian boundary; and in case the said Indian line, and the line dividing this and the north province, are not sufficiently carried out so as to intersect each other, they will continue them till they do.

Proposals of
the surveyors.

2nd. That they will also measure and lay down the courses and distance of other the most material roads which are not yet made public by law.

3rd. That they will measure and lay down all rivers and creeks, navigable or not navigable, from the sea to their sources, within the boundary of this Province, as far as the Indian line, noting down and properly distinguishing in their map, all ferries, landings, fords, bridges, swamps, islands in the rivers, falls, and all other material places. N. B.—They would not be understood to measure every creek to the fountain head, as that would be almost impossible, but to follow them till they become inconsiderable.

4th. That whereas the northwest parts of the Province are very mountainous, which, if unregarded, would make a very material error in a map, they will take with them proper instruments to ascertain the height and depth of those mountains and valleys, so as to lay down the horizontal measure, as near as possible, and at the same time to distinguish them by proper shadings in the map.

5th. That they will measure and lay down a complete ground plat of Charlestown and the Bay, from Fort Johnson to White Point, and thence up each river at least two miles, the depth of water to be ascertained by parallel and cross lines, and specified in each respective place at the intersection of those lines. N. B.—The above to be done by a large scale.

6th. That they will measure and lay down the sea coast and islands, distinguishing the marshes, bays, beaches, inlets, sounds, and all other material places.

7th. That they will actually survey and mark, and in their general map will lay down, all counties, towns, townships and parish lines.

8th. They propose, if agreeable to the House, to lay down and deliver two copies first, of the whole, by a scale of about two miles to an inch, which will require a map between ten and twelve feet square, and the same in four quarters, by another scale, so large as to make the most minute part distinguishable.

9th. That they will begin the work within one month after their undertaking it, and make it their sole business till completed.

A. D. 1767.

10th. That they will transmit (if required) specimens of their work and a copy of their journals, from time to time, to a committee, or some persons appointed by the House, with a particular account of their progress, in order to satisfy the House the business is going on in its proper channel.

11th. That they will perform and lay down the whole with such exactness as will enable them to make oath, if required, that they have actually measured over the identical places they there represent, agreeable to their proposals and draught ready to be presented to the House.

12th. That they will procure a copper plate to be done in the neatest manner, for their map, and deliver such a number of copies as will supply each parish with one, and six for the use of the public.

13th. That they will distinguish the settlements thus ☐ on the map, and those which lay at a distance from the roads, rivers, creeks, &c., which they do not actually measure to, they shall lay down according to the best information they can get, and distinguish them thus, 0.

14th. That for the above service they propose to ask the sum of eighteen thousand pounds currency, to be paid them by three different payments, at the discretion of the House.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 18th day of April, 1767.

Assented to: C. G. MONTAGU.

No. 960. *AN ACT* TO REVIVE AND CONTINUE, FOR THE TERM THEREIN LIMITED, SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE, AND FOR REPEALING PART OF THE GENERAL DUTY ACT, AND FOR APPOINTING INSPECTORS OF HEMP FOR THE PORTS OF GEORGETOWN, AND BEAUFORT, PORT ROYAL.

Preamble.

WHEREAS, several beneficial laws are expired or near expiring; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Right Honorable Lord Charles Greville Montagu, Captain General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act entitled "An Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandizes from the duties imposed by any former Act or Acts of the General Assembly of this Province," passed the fourteenth day of June, one thousand seven hundred and fifty-one; except the sixth and seventh clauses of the said Act, which appropriate three-fifths of the tax thereby imposed, the appropriation whereof by an Act passed the twenty-fifth day of July, one thousand seven hundred and sixty-one, is otherwise directed; and also such parts of the thirty-fifth clause as appropriate the sum of fifteen hundred pounds per annum for

Part of a former
Act continued.

A. D. 1767.

building a new church in Charlestown, the sum of two hundred pounds per annum for building a parsonage house in the said town, and the sum of two thousand five hundred pounds per annum for building a State House; and also excepting such duties as are imposed on the following goods and commodities imported into this Province, that is to say, upon every barrel of pork imported, two pounds; upon every barrel of beef imported, ten shillings; on timber, plank, boards, staves, shingles or other lumber, twenty pounds upon the value of every hundred pounds; upon every deer skin, six pence; upon every barrel of pitch, tar and turpentine, one pound; upon every pound weight of indico, one shilling: which said clause is hereby declared to be repealed—provided the importers of such commodities do enter into bond to the treasurer either to export the same or pay the duties laid thereon by the said Act, within six months after such importation: Also “An Act to encourage the making of Hemp,” passed the twenty-ninth day of May, one thousand seven hundred and sixty-two: And whereas, it is necessary to appoint inspectors of hemp at the ports of Georgetown, Winyaw, and Beaufort, Port Royal, *Be it therefore enacted* by the authority aforesaid, That Paul Trapier, Joseph Brown, Samuel Wragg, Thomas Godfrey and Anthony Bonneau, shall be, and they are appointed, inspectors of hemp at Georgetown; and that Nathaniel Barnwell, John Barnwell, senior, William Elliott, William Harvey and John Delagaye shall be, and they are appointed, inspectors of hemp at Beaufort; which inspectors shall have the same powers and authorities, and proceed in the same manner as the inspectors named in an Act passed the twenty-ninth day of May, one thousand seven hundred and sixty-two, entitled “An Act to encourage the making of Hemp”: Also, “An Act for laying buoys and erecting and supporting beacons or land-marks near the bar of the harbour of Georgetown, Winyaw, and for building and repairing one or more boat or boats to attend the bar of the said harbour, and for the better settling and regulating the pilotage of the said harbour, and for obliging such vessels as go to the said port of Georgetown to pay powder duty,” passed the sixteenth day of May, one thousand seven hundred and fifty-two: Also, “An Act for building and keeping in repair a pilot boat to attend the bar and harbour of Beaufort, Port Royal, and for better settling and regulating the pilotage of the said harbour,” passed the sixteenth day of May, one thousand seven hundred and fifty-two: and likewise an Act for the same purposes, in case of a deficiency of the duties by the said former Act directed to be applied, passed the nineteenth day of May, one thousand seven hundred and sixty-two—be, and they are hereby declared to be, revived, continued and enacted: That is to say, the Act to encourage the making of Hemp, and such parts of this Act as excepts the duties which are imposed by the said general duty law on pork, beef, timber, plank, boards, staves, shingles and other lumber, deer skins, pitch, tar and turpentine, and indico, imported, to be of full force and virtue, for and during and unto the full end and term of two years only, from and after the passing of this Act; and every other clause, matter and thing contained in the said general duty law, except such part thereof as is hereby, or by any other Act, repealed, and the other Acts hereinbefore revived and continued, to be in force for five years from and after the passing of this Act, and from thence to the end of the then next sessions of the General Assembly, and no longer.

P. MANIGAULT, *Speaker*.*In the Council Chamber, the 18th day of April, 1767.**Assented to:* C. G. MONTAGU.

A. D. 1767.

No. 961. *AN ACT* FOR ESTABLISHING A PARISH IN GRANVILLE COUNTY, BY THE NAME OF ST. LUKE, AND ALSO FOR ESTABLISHING A PARISH IN CRAVEN COUNTY, BY THE NAME OF ALL SAINTS; AND FOR ERECTING A CHAPEL OF EASE IN THE PARISH OF PRINCE FREDERICK.

Preamble.

WHEREAS, several inhabitants on the South-west part of the parish of St. Helena, and also several inhabitant on Waccamaw Neck, in the parish of Prince George, by their petitions to the General Assembly, have represented many inconveniencies which they are under, for want of having the said parishes of St. Helena and Prince George divided, and that part of the parish of St. Helena, known by the name of the Euhaws part of the said parish, and also that part of the parish of Prince George, known by the name of Waccamaw, established into separate parishes, and prayed that a law may be passed for that purpose; we therefore pray his most sacred Majesty that it may be enacted,

A new parish
to be laid out
in Granville
county.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's said Province, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly, and by the authority of the same, That immediately from and after the passing of this Act, a parish shall be laid out and established in Granville county aforesaid, in the following manner, (that is to say) by a line to run from the bridge over New river or Day's creek, North ten degrees, West until it intersects the line of Prince William's parish, and from thence to be bounded by the South-west side of Coosawhatchee river, Port Royal, Broad river, the Sea, Callibogy Sound, and New river or Day's creek, up to the bridge on the said river or creek, including all the islands to the south and west of Port Royal, Broad river and Callibogy Sound; any law, usage or custom to the contrary notwithstanding. And also, that another parish shall be laid out and established in Craven county aforesaid, in the following manner; that is to say, all the lands which lie between the sea and Waccamaw river, as far as the boundary line of North Carolina; and that the parish in the county of Granville shall hereafter be called and known by the name of St. Luke; and that the parish in the county of Craven shall hereafter be called and known by the name of All Saints; and the inhabitants thereof shall and may use, exercise and enjoy all the rights, privileges and immunities that the inhabitants of any other parish do or can use, exercise or enjoy, by the laws of this Province.

Also another
in Craven
county.

Assessment on
the parish of
All Saints.

II. And whereas, the commissioners of the public roads in the parish of Prince George, have thought it necessary to make a new causey instead of that commonly called Lynch's causey, and have agreed to assess all male persons between sixteen and sixty years of age, residing in the said parish the sum of forty shillings each, for making the said causey, *Be it therefore enacted* by the authority aforesaid, That the inhabitants of the parish of All Saints shall be subject to the said assessment of forty shillings, notwithstanding the passing of this Act, after payment of which assessment they shall not be liable to any other charge for or concerning the said causey.

III. *And be it enacted* by the authority aforesaid, That the causey crossing Foisine's island, between Pedee and Waccamaw river, shall be kept in repair in the same manner and by the same persons as it was before the passing of this Act.

IV. *And be it enacted* by the authority aforesaid, That the expense of maintaining the poor, at present upon the said parish of Prince George, shall be borne and defrayed by the inhabitants of both the parishes of Prince George and All Saints; and that all such monies as have been received by the churchwardens and vestry of the parish of Prince George, and have not yet been expended, shall be equally divided between the said parishes of Prince George and All Saints. A.D. 1767.
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Poor rates.

V. *And be it also enacted* by the authority aforesaid, That from and after the dissolution of the present General Assembly, the inhabitants of the parishes of St. Helena and Prince George, and also the inhabitants of the said parishes of St. Luke and All Saints, qualified by law for that purpose, shall choose and elect two members, and no more, to represent each of the said parishes in General Assembly, any law, usage or custom to the contrary thereof in any wise notwithstanding; and that writs for the electing of members to serve in the General Assembly, for each of the said parishes, shall be issued in the same manner and at the same times as for the several other parishes in this Province, according to the directions in the Act entitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said House." Each parish to  
send two mem-  
bers of Assem-  
bly.

VI. *And be it also enacted* by the authority aforesaid, That a church and parsonage house shall be built in the aforesaid parish of St. Luke, and a church, chapel and parsonage house in the said parish of All Saints, at such places within the bounds of the said parishes as a majority of the commissioners hereafter named, for each of the said parishes, shall order and direct. Churches to be  
erected in the  
parishes of St.  
Luke and All  
Saints.

VII. *And be it also enacted* by the authority aforesaid, That the rectors or ministers of the said parishes for the time being, shall officiate in the said churches and chapels according to law, and shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen; and shall have yearly paid to them and their successors for ever, the same salary as is appointed for the rector or minister of any other parish in this Province, (the parishes of St. Philip and St. Michael excepted,) out of the fund appropriated or to be appropriated for payment of the salaries of the clergy of this Province; and the public treasurer for the time being is hereby authorized and required to pay the same, under the like penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several other parishes in this Province; and the said rectors or ministers of the said parishes shall have and enjoy all and every such privileges and advantages, and be under such rules, laws and restrictions, as the rectors or ministers of the other parishes in this Province have and enjoy or are subject and liable unto. Ministers to  
officiate in the  
same.

VIII. *And be it enacted* by the authority aforesaid, That Daniel Heyward, John Heyward, Daniel Pepper, Richard Proctor, John Garvey, William Hazzard and Stephen Drayton, be, and they are hereby appointed, commissioners or supervisors for the building of the new church and parsonage house in the said parish of St. Luke; and that William Allston, Joseph Allston, Charles Lewis, William Pawley, Josias Allston, William Allston, Jr. and John Clarke, be, and they are hereby appointed, commissioners or supervisors for the building of the new church, chapel and parsonage house in the said parish of All Saints; and they, or the major part of them, are fully authorized and empowered to purchase a glebe Commissioners  
appointed.

**A.D. 1767.** for the said parishes respectively, and to take subscriptions, and to receive and gather, collect, and sue for all such sum or sums of money, as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the churchwardens and vestry of the said parishes of St. Luke and All Saints, for the time being, respectively, shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said churchwardens and vestry shall seem meet; which commissioner or commissioners, so to be nominated and appointed, shall have the same powers and authority for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

A chapel of ease to be built in the parish of Prince Frederick.

IX. And whereas, the inhabitants of the parish of Prince Frederick, by their humble petition to the Assembly, have prayed for a law to be passed and commissioners appointed to build a chapel of ease in the said parish, at or near a place called Murray's old field, about thirty miles from the said parish church; *Be it therefore enacted* by the authority aforesaid, That a chapel of ease shall be built in the said parish of Prince Frederick, at or near a place called Murray's old field; and that Samuel Clegg, Esq. Theodore Gordine, Samuel Newman, William Michau and John Perrit, be, and they are hereby appointed, commissioners for building the said chapel of ease; and that the rector or minister of the said parish of Prince Frederick shall be, and he is hereby, obliged, enjoined and required, to perform divine service at the said chapel of ease every sixth Sunday, provided it happen not upon Easter Sunday, Whit Sunday, or Christmas Day, and in such case to preach on the next Sunday after, and from thence again on every sixth Sunday.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 23d day of May, 1767.*

*Assented to:* C. G. MONTAGU.

**No. 962. AN ACT** FOR RAISING AND GRANTING TO HIS MAJESTY THE SUM OF EIGHTY-FIVE THOUSAND NINE HUNDRED FIFTY POUNDS TWO SHILLINGS AND FIVE PENCE, AND APPLYING THE SUM OF THIRTEEN THOUSAND FIVE HUNDRED AND NINETEEN POUNDS SIX SHILLINGS AND SIX PENCE, BEING THE BALANCE OF SEVERAL FUNDS IN THE PUBLIC TREASURY, MAKING TOGETHER THE SUM OF NINETY-NINE THOUSAND FOUR HUNDRED AND SIXTY-NINE POUNDS EIGHT SHILLINGS AND ELEVEN PENCE, TO DEFRAY THE CHARGES OF THIS GOVERNMENT FROM THE FIRST DAY OF JANUARY, TO THE 31ST DAY OF DECEMBER, 1766, BOTH DAYS INCLUSIVE, AND FOR OTHER SERVICES THEREIN MENTIONED.

Preamble.

WHEREAS, by a schedule made of the charges of this Government for the year one thousand seven hundred and sixty-six, and for other services in the said schedule mentioned, it appears that the sum of ninety-nine thousand four hundred and sixty-nine pounds eight shillings and eleven pence will be wanting for those purposes, for defraying whereof, we, his Majesty's most dutiful and loyal subjects, the Commons House of Assembly of this Province, have cheerfully given and granted, and do hereby

give and grant unto his most sacred Majesty the said sum of ninety-nine thousand four hundred and sixty-nine pounds eight shillings and eleven pence, to be raised, levied and applied in the manner and to the uses, intents and purposes in this Act hereafter specified, limited and appointed, and to and for no other uses, intents or purposes whatsoever; we therefore humbly pray his most sacred Majesty that it may be enacted,

A. D. 1767.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That a tax or sum of eighty-five thousand nine hundred and fifty pounds two shillings and five pence, current money of South Carolina, be imposed and levied on the several inhabitants of and others interested in this Province, which with the sum of thirteen thousand five hundred and nineteen pounds six shillings and six pence, being a balance of several funds in the public treasury, shall be applied to the use of his Majesty for the support of this Government, in manner as is hereinafter mentioned.

A tax of 85,-  
950, 2s. 5d. to  
be levied.

II. *And for the more certain and effectual levying of the said sum of eighty-five thousand nine hundred and fifty pounds two shillings and five pence, It is hereby enacted and declared*, That the sum of fifteen shillings current money per head, shall be levied on all negroes and other slaves whatsoever, within the limits of this Province; and the sum of fifteen shillings per hundred acres on all lands throughout the said Province, (town lots excepted;) and the sum of seven shillings and six pence per centum on the value of every such town lot, wharf and buildings, and other lands within the limits of any town, village or borough in this Province, the bounds of Charlestown to extend as far as the new fortifications from Ashley River to Cooper River; and the sum of seven shillings and six pence on every hundred pounds owing to any person or persons on bond or other specialty or note of hand bearing or including interest, over and above what he, she or they pay interest for; and at the rate of thirty shillings for every hundred pounds on all monies arising from annuities; and the sum of fifteen shillings per head on all free negroes, mulattoes and mestizoes from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of seven shillings and six pence per centum on every person's stock in trade, that is to say, wares, merchandizes and book debts of persons in trade, shop-keepers and others; and the like sum of seven shillings and six pence per centum on the profits of all faculties, professions, (the clergy excepted,) factorage, employments and handicraft trades, throughout this Province, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information; provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this Province, to the payment of any part of the said tax for their lands granted to them of his Majesty's bounty, who shall make oath before the collector of the tax in the respective parish or district where such new settler resides, that he settled himself in this Province upon the encouragement given him by this Government, and hath not resided ten years in this Province; but such new settlers shall pay tax for their slaves and monies at interest as other inhabitants do.

Rate of taxation.

Lands of new  
settlers ex-  
empted.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever living out of the parish of St. Philip and St. Michael, who are possessed of any lands, slaves or monies for which they receive interest in

A.D. 1767.

Taxables to  
render an ac-  
count of their  
property, on  
oath.

Form of the  
oath.

this Province, (lands whereon any churches or other buildings for divine worship, or free schools are erected or built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses always excepted,) either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this Act, shall, on or before the first Monday in August, which will be in the year of our Lord one thousand seven hundred and sixty-eight, render a particular account thereof in writing upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors or any of them shall direct and appoint for the doing thereof, so that the same be done on or before the said first Monday in August, which oath or affirmation shall be in the words following; to wit: "I, A. B., do swear or affirm, (as the case shall be,) that the account which I now give in is a just and true account of all the lands, slaves, and monies I have upon bond or other specialty or note, bearing or including interest (which I believe to be good,) over and above what I pay interest for, and annuities which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare without any equivocation or mental reservation whatsoever: So help me God." which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

Penalty on per-  
sons refusing or  
neglecting to  
make returns.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosever shall be obliged to make return of his or her lands, slaves, or monies at interest in the country, over and above what he or she pays interest for, and of his or her annuities, to the inquirers and collectors for the parish or district respectively where such person lives or resides for the greatest part of the year, and pay the tax thereon to the said inquirers and collectors; and the inquirers and collectors of all and every the parishes and districts respectively, shall be, and they are hereby, authorized, impowered and required to issue executions against all and every person or persons in their respective districts who have not paid their just proportions of the preceding tax.

Attornies, &c.  
liable for taxes  
on lands owned  
out of this Pro-  
vince.

V. And whereas, there are divers tracts of land, slaves and monies at interest in this Province, held, owned or claimed by persons not resident here, who pay no taxes or other charge toward the support of the Government of this Province, *Be it therefore enacted* by the authority aforesaid, That all attornies and trustees of, or for any person or persons living without the limits of this Province, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides as aforesaid, of all lands, slaves and monies at interest belonging to such absent persons for whom they are attornies or trustees; and that such attornies or trustees shall be subject and liable to pay the tax to become due by virtue of this Act for such land, slaves or monies at interest, out of his or their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the said collectors respectively, that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax; provided always, that if such attorney shall, within one year next after

such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively where any lands lye which are held or owned by any person or persons not resident in this Province, or the public treasurer for the time being, shall be, and they are and he is hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or any other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this Act; or, after six months public notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the public treasurer, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary in any wise notwithstanding,

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Inquirers and collectors may lease such land or sell the timber, &c.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of lands shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this Province, and who have no attorney or attornies, trustee or trustees, legally constituted, in this Province, then and in such case the inquirers, assessors or collectors shall be and they are hereby authorized and required to charge the said lands rateably and proportionably, according to the quantity of acres, and as if the same were in the actual possession of some person or persons living or residing in this Province, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest thereof, from time to time, of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the public treasurer or receiver of this Province, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to his Majesty, and shall be deemed and taken as vacant lands; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prejudice the rights of infants or feme covert, who shall be entitled to their lands upon claiming the same within two years after they come of age or become discover, upon their paying and discharging all taxes and arrears of taxes that shall or may be due and unpaid thereon.

Lands of absent owners, for which taxes are not paid in two years after notice given, declared forfeit.

Proviso.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned respectively, viz. for the parish of Christ Church, Levi Durand and Isaac Legare; for the parish of St. James Goose Creek, John McKenzie, Benjamin Huger and Peter Villepontoux; for the parish of St. John, Berkley county, Edward Harlston, Robert Swainston and James Ravenal; for the parish of St. George Dorchester, Barnaby Branford, Richard Downs and David Rumph; for

Inquirers and collectors appointed.

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the parish of St. Thomas and St. Dennis, Daniel Lessesne, Benjamin Marion and Edward Thomas; for the parish of St. Andrew, James Island excepted, Edward Legge and Patrick Simpson; for that part of the said parish called James Island, William Bee; for the parish of St. John, Colleton county, viz. for John's Island, William Stenyarne and Richard Woodward Flowers; for Wadmelow Island, John Ladson; for Edisto Island, Benjamin Jenkins; for the parish of St. Paul, viz. for Stono and the east side of Ponpon, Charles Odingsall, James Lyton Richards and Thomas Smith, (son of William;) and for Beach Hill, in the said parish, Andrew Leitch; for the parish of St. Bartholomew, Joseph Glover and Thomas Jones; for the upper district of St. Bartholomew, to wit, the north and west of the Black Creek and the main waters of the Great Swamp, directly across to Pon-pon River, William Day and Samuel Dunlap; for Combahee and Chelaw, in the said parish, Gabriel Stock and Jeremiah Miles; for the parish of St. James Santee, Theodore Gaillard and Jacob Motte, Junior; for the parish of St. Stephen, John Dubois and Hezekiah Mayham; for the parish of Prince George Winyaw, Anthony Bonneau, Thomas Butler and Joseph Jordan; and for the Welsh Tract, John Graham; for the parish of Prince Frederick, William Michau, Moses Britton and Thomas Potts; for the parish of St. Mark, James McDonald and Matthew Singleton; for the Waterees, Captain John Cauty and Eli Kershaw; for the Congarees, John Thomas, Thomas Corker, Jr. and Thomas Green; for both sides of Broad River, Thomas Kennedy and John Freydidg; for Ninety-Six, to the bounds of Saxe-Gotha, Lewis Powel, John Fairchild and John Savage; for the upper part of Ninety-six and places adjacent, Thomas Bell and John Lewis Jervois; for the parish of St. Matthew, John Thomson, John McNichols and Christopher Rowe; for the parish of St. Helena, Port Royal, John DeLagaye, John Green, Jr. and William Waight; for the parish of St. Peter, Purrysburgh, John Lewis Bourquin and Jonathan Belton; for the parish of Prince William, Cornelius Dupont and Job McPherson; for the town and township of New Windsor, upon Savannah River, Stevens's Creek and parts adjacent, George Galphin.

Assessors, &c.  
for St. Philip  
& St. Michael.

VIII. *And be it also enacted* by the authority aforesaid, That William Price, Andrew Cathcart and Eward Lightwood, Jr. be, and they are hereby appointed, inquirers for the parishes of St. Philip and St. Michael; and that John Chapman, William Mazyck, Thomas Savage, Arthur Peronneau and Joseph Verree, be, and they are hereby appointed, assessors and collectors for the said parishes of St. Philip and St. Michael.

Taxes on real  
estate, &c.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest, or annuities in this Province, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in December, in the year of our Lord one thousand seven hundred and sixty-eight; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively, within this Province, shall close their accounts and shall deliver the same on oath to the public treasurer for the time being, (who is hereby impowered and required to administer such oath,) and pay him all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of

When to be  
paid.

Charlestown into the hands of the public treasurer, in pursuance of this Act, on or before the last day of December, in the year last aforesaid; and the inquirers, assessors and collectors of each parish or district, shall make their return of such district respectively, to the said treasurer, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, monies at interest and annuities, after the manner aforesaid, to the said treasurer, and pay him the taxes thereon, according to the rates by this Act appointed.

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X. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, annuities, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

Penalty for concealment.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, annuities, lands or slaves to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in August, in the year of our Lord one thousand seven hundred and sixty-eight, at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, annuities, lands and slaves.

When deemed a defaulter.

XII. *And be it enacted* by the authority aforesaid, That the inquirers for the parishes of St. Philip and St. Michael are hereby ordered and directed to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situate, and of the slaves, annuities and money at interest of the said inhabitants, which they shall be possessed of, interested in or intitled unto in their own right, or in the right of any other person whatsoever, lying or being in the said parishes; and of all the lands and slaves which the said inhabitants are possessed of in their own right, or in the right of any other person without the limits of the said parishes, or in any other part of the Province; and the account of the real estates, slaves, money at interest, and annuities of the said inhabitants shall be returned to the said inquirers upon oath, in the manner herein before directed; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for the said parishes, on or before the first Tuesday in September, in the year of our Lord one thousand seven hundred and sixty-eight; and the said inquirers shall likewise extract and certify to the said assessors, all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and also the annuities and monies at interest which shall be returned to them by any inhabitants of the said parishes in trust, for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, annuities and moneys at interest, returned in trust for persons living in the country as aforesaid, shall be reckoned as part of the country tax; provided always, that nothing herein contained shall extend, or be construed to extend, to give the said assessors any power or authority to rate or assess any goods, wares or merchandizes consigned immediately to any merchants or factors in this Province, to dispose of as factors only, or any lands, houses or money set apart for pious or charitable uses.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

Provide

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Persons over-rated may swear off the overplus.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attorneys shall have reason to believe he or she is over-rated for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the guard house in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his, her or their attorney or attorneys, shall think they are over-rated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any of them, are hereby impowered and required to administer such oath and to allow an abatement accordingly.

Oath to be administered by assessors and collectors to the inquirers.

XIV. *And be it also enacted* by the authority aforesaid, That the assessors and collectors for Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates, slaves, annuities and monies at interest of the several inhabitants of the parishes of St. Philip and St. Michael; and also of all the real estates, slaves, annuities and monies at interest, returned to you by the said inhabitants which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge: So help you God."

Inquirers to return their own property on oath.

XV. *And be it also enacted* by the authority aforesaid, That the said inquirers shall at the same time render an account in writing upon oath as aforesaid, to the said assessors and collectors, of their own real estates and slaves, annuities, and monies at interest in this Province; and any three of the said assessors and collectors shall be a quorum, and shall meet at the State House in Charlestown, the first Tuesday in September, in the year of our Lord one thousand seven hundred and sixty-eight, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits aforesaid, or to adjourn to any other place in the said town as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in November, in the year of our Lord one thousand seven hundred and sixty-eight, and shall cause a duplicate thereof to be posted at the guard house in Charlestown, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted; and the said assessors and all the other assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of his Majesty's justices of the peace, who shall give them a certificate thereof gratis: "I, A. B., do sincerely swear, that I will indifferently, equally and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge: so help me God."

Assessors and collectors to take an oath.

Monies to be paid over to public treasurer.

XVI. *And be it enacted*, That every person so assessed by the said assessors, for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in December, in the year of our Lord one thousand seven hundred and sixty-eight; and the said assessors and collectors shall pay to the public treasurer all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

XVII. *And be it enacted*, That the sum of three thousand six hundred and thirty-four pounds five shillings and six pence, appointed by the schedule to this Act annexed, to be paid by the inhabitants of the parishes of St. Philip and St. Michael, shall be added to the sum to be collected for the poor rates, and shall be raised, collected and levied by the same persons and in the same way and manner as the poor rates are raised, collected and levied on the inhabitants of, and others interested in the said parishes, and shall be by the said persons paid into the hands of the public treasurer.

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Quota of taxes to be raised in St. Philip and St. Michael.

XVIII. *And be it also enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her or their taxes, at the days and times hereinbefore mentioned and appointed to the payment thereof, the inquirers and collectors respectively shall, immediately after ten days is fully elapsed, without further delay, levy the same, by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; or shall not make oath before the collector, that he has not, directly or indirectly, conveyed away or removed his said goods or effects, whereon the money so assessed might be levied, to avoid payment of the said tax, and that he is not able to pay the same, which oath the said collectors are hereby respectively authorized and impowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common goal in Charlestown, which warrant shall run in these words, *mutatis mutandis*, viz :

Penalty for neglect or refusal to pay taxes.

"A. B., C. D., E. F., collectors of the general tax for the parish or precinct of \_\_\_\_\_, in \_\_\_\_\_ county: To G. H., constable of the parish or precinct of \_\_\_\_\_, or to the provost marshal of the Province of South Carolina, or to his lawful deputy. Whereas, J. K. hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of \_\_\_\_\_, the sum of \_\_\_\_\_, for \_\_\_\_\_ tax, for defraying the charges of the year ending the thirty-first day of December, one thousand seven hundred and sixty-six, which \_\_\_\_\_ hath neglected to pay: these are, therefore, in his Majesty's name, strictly to charge and command you, to levy by distress and sale of the goods and chattels of the said J. K., the said sum of \_\_\_\_\_, together with the charges thereof; and in case the said J. K. shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said J. K. and convey \_\_\_\_\_ to the common goal in Charlestown, commanding you, the keeper of the said jail, to detain the body of the said J. K. in your custody until \_\_\_\_\_ shall pay the said sum of \_\_\_\_\_, together with the charges of keeping and detaining \_\_\_\_\_ as aforesaid; and for so doing, this shall be your sufficient warrant. Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini \_\_\_\_\_.

Form of the warrant.

A. B., C. D., E. F."

And the provost marshal shall detain such person in the goal aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, six shillings; and for

Fees of constables, &c.

A. D. 1767.

every pound to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; for the constable's returning home or carrying such defaulter to the common goal, and from thence returning home, and mileage, at the same rate; and no more or any other fee whatsoever; and the assessors and collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Penalty for  
neglect to pay  
tax, &c.

XIX. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act, on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrants in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Power of the  
public treasurer.

XX. *And be it enacted*, That the public treasurer shall have full and ample power in all respects, for collecting and getting in arrears of taxes which are or were due by any former law or Act of Assembly; and the same may be recovered by virtue of a warrant, under the hand and seal of the public treasurer for the time being, directed to the provost marshal or any constable for the county where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables  
dying or  
departing.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgements, mortgages and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate, to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this Province, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed.

Fraudulent  
conveyances.

XXII. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Mortgagee lia-  
ble to pay tax.

XXIII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor; provided, that such estate shall be in the possession of the mortgagee.

XXIV. *And be it also enacted* by the authority aforesaid, That the public treasurer, inquirers, marshal, constables and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of fifty pounds proclamation money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds proclamation money, to his Majesty, for the support of this government, to be sued for and recovered by the public treasurer for the time being, in any court of record in this Province.

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Penalty on officers for neglect.

XXV. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes, shall refuse or neglect to give in upon oath to the public treasurer, a just and true account of all monies received by him or them, or due to his Majesty on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time herein before limited, that then it shall be lawful for the public treasurer by warrant, under his hand and seal, to commit such assessor or collector to the common goal in Charlestown, there to remain without bail or mainprize, until he or they shall have rendered upon oath to the public treasurer, a full and satisfactory account of, and shall have paid all such sums so as aforesaid by him or them collected, during the time that he or they were collectors, and shall have given in to the public treasurer an account of all monies due to his Majesty by virtue of this or any former tax Act, and the reasonable charges for such commitment.

Penalty of assessors and collectors for neglect of duty.

XXVI. *And be it also enacted* by the authority aforesaid, That in case any of the said inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act or depart this Province before the powers and authorities hereby given them are executed, then his Excellency the Governor, or the Commander-in-chief for the time being, is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act or departing this Province; and the person or persons so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Inquirers, assessors, &amp;c. dying or departing.

XXVII. *And be it also enacted* by the authority aforesaid, That the public treasurer, or the public treasurer for the time being, be, and is hereby empowered and required, to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, and all persons in arrears for taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he is hereby required and directed to prosecute all and every person or persons whatever, neglecting or refusing to do and perform the several matters required by this Act for the recovery of the penalty inflicted by the same for any such refusal or neglect.

Public Treasurer empowered to grant executions.

XXVIII. *And be it also enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, after paying the balance in the funds aforesaid, shall be, and is hereby obliged and required to give certificates to the several persons having monies provided by the schedule to this Act annexed, for such part thereof as the person applying for the same shall require, which certificates shall be first filled up, numbered and signed by the treasurer, and afterwards countersigned and returned

And to give certificates.

A. D. 1767.

Proviso.

to the public treasurer, by John Matthews, William Henry Drayton and Benjamin Guerard, Esquires, or any two of them, and they are hereby directed to keep an account in a book, of such certificates as they shall respectively sign; provided, that such certificates shall be for no other sums but fifty pounds, thirty pounds, twenty pounds and ten pounds; and the said certificates shall be received in all payments to the public treasurer until the last Tuesday in December, one thousand seven hundred and sixty-nine, and no longer; and the said collectors of the tax shall take and receive the said certificates in payment of taxes, for the sums therein mentioned, from all persons tendering the same; provided also, that the possessors of the said certificates shall carry the same to the public treasurer to be exchanged, on or before the last Tuesday in June, one thousand seven hundred and seventy; and in case any certificates shall be outstanding after that day, the public shall not be liable to make provision for the same.

General issue  
may be  
pleaded.

XXIX. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurer or provost marshal, constable or other person, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

Penalty for  
counterfeiting  
certificates.

XXX. *And be it also enacted* by the authority aforesaid, That any person or persons who shall counterfeit, raise or alter any of the certificates issued by virtue of any former Att. or to be issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, raised or altered; and every person and persons who shall assist, abet or procure the counterfeiting, raising or altering such certificates, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as felons without benefit of clergy.

XXXI. *And be it further enacted* by the authority aforesaid, That the said sum of ninety-nine thousand four hundred and sixty-nine pounds eight shillings and eleven pence, shall be appropriated, applied and paid by the public treasurer, according to the schedule hereunto annexed, and not otherwise.

### SCHEDULE

*Of the charges of this Government from the first day of January, to the thirty-first day of December, one thousand seven hundred and sixty-six, both days inclusive, and for other services.*

#### ALLOWANCES TO THE PUBLIC OFFICERS.

|                                                                                          |              |
|------------------------------------------------------------------------------------------|--------------|
| To His Excellency the Governor,                                                          | £ 1934 14 05 |
| His Honor the Lieutenant Governor,                                                       | 1565 05 07   |
| The Clerk of the Council,                                                                | 300 00 00    |
| The Master in Chancery,                                                                  | 400 00 00    |
| William Davis, Messenger to the Council,                                                 | 200 00 00    |
| James Pratt, Door-keeper to the Council,                                                 | 200 00 00    |
| Thomas Farr, jun. Esq. Clerk of the Assembly,                                            | 600 00 00    |
| The Messengers of the Assembly, (viz: Jonathan Badger,<br>£250, and Edward Weyman, £200, | 450 00 00    |

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|                                                                         |                        |
|-------------------------------------------------------------------------|------------------------|
| The estate of William Pinckney, Esq. deceased, late Commissary General, | £377 15 06             |
| Benjamin Simmons, Esq. Commissary General,                              | 23 04 06               |
| The Clerk of the Board of Church Commissioners,                         | 30 00 00               |
| The Public Treasurer, his commissions for paying sundry sums of money,  | 95 07 00               |
| The Agent in Great Britain, his salary,                                 | 1400 00 00             |
| His bill of disbursements,                                              | 756 01 09              |
| John Hume, Esq. ordnance store keeper,                                  | 350 00 00—£ 8681 08 09 |

## HOUSE RENT FOR THE PUBLIC.

|                                                      |                       |
|------------------------------------------------------|-----------------------|
| To His Excellency the Governor,                      | 386 19 00             |
| His Honor the Lieutenant Governor,                   | 313 01 00             |
| The Commissioners of the Free School in Charlestown, | 250 00 00—£ 950 00 00 |

## WRITING AND PRINTING FOR THE PUBLIC.

|                                                                                                                                            |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| To the Clerk of the Council, for copies of the minutes of the Council, entries in the Indian book, and copies of the laws for the Council, | 1425 07 08             |
| Thomas Skottowe, Esq., Secretary, for fees due to the Governor, Lieutenant Governor and himself, viz:                                      |                        |
| To the Governor,                                                                                                                           | £39 07 06              |
| the Lieutenant Governor,                                                                                                                   | 41 05 00               |
| the Secretary,                                                                                                                             | 360 02 06—440 15 00    |
| George Wood, for binding the journals of the House of Assembly,                                                                            | 25 12 06               |
| Robert Wells, for Advertisements and Gazettes,                                                                                             | 181 05 00              |
| Thomas Farr, jun., Esquire, Clerk of the Assembly, his account,                                                                            | 1877 01 00             |
| Jacob Motte, Esq. for his services,                                                                                                        | 400 00 00—£ 4350 01 02 |

## TO BE RAISED BY PARTICULAR LAWS APPOINTING THE SAME.

|                                                                                            |                         |
|--------------------------------------------------------------------------------------------|-------------------------|
| To Jacob Motte, Esq. Public Treasurer, paid by him for sessions sermons,                   | 30 00 00                |
| Roger Pinckney, Esq. Provost Marshal, for serving writs of election, summoning jurors, &c. | 150 00 00               |
| Thomas Gill, his annuity,                                                                  | 90 00 00                |
| Mary Adamson's annuity for herself and two children,                                       | 150 00 00               |
| Mary Morrison, widow, annuity for herself and three children,                              | 200 00 00               |
| Jacob Motte, Esq. Public Treasurer, for bounty paid by him on hemp and flax,               | 9131 00 04—£ 9751 00 04 |

## FOR FORTS AND GARRISONS.

|                                                                                             |           |
|---------------------------------------------------------------------------------------------|-----------|
| To the Commander of Fort Johnson,                                                           | 200 00 00 |
| The Gunner of Fort Johnson,                                                                 | 216 00 00 |
| Two quarter Gunners, at £8 per month,                                                       | 192 00 00 |
| Provisions for four men, at £25 per annum,                                                  | 100 00 00 |
| Gunner of Charlestown,                                                                      | 225 00 00 |
| Gunner of Craven's bastion,                                                                 | 100 00 00 |
| Gunner of Broughton's battery,                                                              | 100 00 00 |
| Bernard Beekman, for tompeons for the guns in Craven's bastion,                             | 7 10 00   |
| Patrick Calhoun, for assisting Capt. Cochran to choose a spot of ground for Fort Charlotte, | 65 01 08  |
| Matthew Galaspie, for carriage of sundries for Fort Charlotte,                              | 11 02 00  |
| Laurens, Motte & Co. for sundries,                                                          | 272 13 00 |

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|                                                                                                        |                        |
|--------------------------------------------------------------------------------------------------------|------------------------|
| Estate of William Pinckney, Esq. late Commissary General, for sundries,                                | £57 15 00              |
| To the following persons, in full of their several demands for the repairs of Fort Prince George, viz: |                        |
| Ensign George Price, balance of cash advanced by him,                                                  | 4 17 06                |
| Benjamin Brown, house carpenter,                                                                       | 54 11 04               |
| Jonathan Neil, ditto,                                                                                  | 49 00 00               |
| Gideon Beeck, house carpenter and wheelwright,                                                         | 68 15 00               |
| James Shepherd, ditto,                                                                                 | 52 10 00               |
| Thomas McDowell, ditto,                                                                                | 20 00 00               |
| John Christie, labourer,                                                                               | 50 00 00               |
| Robert White, labourer and drummer,                                                                    | 8 12 06                |
| Thomas Calmer, drummer,                                                                                | 52 10 00               |
| Robert Harris, labourer,                                                                               | 9 00 00                |
| George Robinson, Overseer of the Works,                                                                | 150 00 00              |
| James Holmes, waggoner, for carriage of materials,                                                     | 949 00 00              |
| Jacob Motte, Esq. advanced by him for building Fort Charlotte,                                         | 7000 00 00             |
| Jacob Motte, Esq. advanced by him for the men's pay at Fort Johnston,                                  | 990 00 00              |
| Jacob Motte, Esq. advanced for firewood for the men at Fort Johnston.                                  | 162 10 00—£11168 08 00 |

## FOR THE PUBLIC ARMS AND ORDNANCE STORES.

|                                                                                                                            |                       |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------|
| To the Churchwardens of St. Michael's parish, for 75 fathom of 4½ inch white rope, delivered to the ordnance store keeper, | 76 00 00              |
| Davies & Wayne, for sundries,                                                                                              | 19 13 00              |
| John Dodd, for gunsmith's work,                                                                                            | 85 17 06              |
| John Hume, ordnance store-keeper, for cleaning the public arms,                                                            | 287 13 09—£ 469 04 03 |

## FOR INDIAN EXPENCES.

|                                                                                                                                |           |
|--------------------------------------------------------------------------------------------------------------------------------|-----------|
| To John Bull, Jr. for two copies of the boundary line between this Province and the Cherokee Indians, sent the Lords of Trade, | 20 00 00  |
| Thomas Caton, for victualling of Indians,                                                                                      | 24 06 00  |
| Josiah Cante, for the same,                                                                                                    | 43 05 00  |
| John Dodd, for gunsmith's work,                                                                                                | 117 17 06 |
| John Edwards, for entertainment of Indians,                                                                                    | 25 19 00  |
| William Edwards, Sadler, for sadler's work,                                                                                    | 55 07 06  |
| Jonathan Fowler, for victualling of Indians,                                                                                   | 10 00 00  |
| Tacitus Gaillard, Esq. for the same,                                                                                           | 29 07 06  |
| Joseph Glover, ditto,                                                                                                          | 31 07 05  |
| John Hurst, ditto,                                                                                                             | 13 10 00  |
| John James, ditto,                                                                                                             | 17 05 00  |
| Joseph Kershaw & Co. for powder and ball,                                                                                      | 46 05 00  |
| Kershaw, Chesnut & Co. for sundries,                                                                                           | 242 02 06 |
| McCarton, Campbell & Son, for sundries,                                                                                        | 378 13 06 |
| Estate of William Pinckney, Esq. late Commissary General, for subsistence of Indians,                                          | 422 10 00 |
| John Robertson, for entertainment of Indians,                                                                                  | 10 00 00  |
| Richard Richardson, for the same,                                                                                              | 29 01 03  |
| William Sanders, Esq. for the same,                                                                                            | 10 10 00  |
| Samuel Wyly, for expences attending the election of a Cawtawba King,                                                           | 27 00 00  |
| Peter Witten, for victualling of Indians,                                                                                      | 42 07 06  |
| Henry Young, for the same,                                                                                                     | 5 01 03   |

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|                                                                                                                                                                  |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Edward Wilkinson, for expenses attending the running of the line between this Province and the Cherokee Indians, including the £500 voted formerly for the same, | £714 14 09             |
| Edward Wilkinson, for his attendance at the running said line,                                                                                                   | 150 00 00              |
| Jacob Motte, Esq. public treasurer, advanced by him for the Catawba Indians,                                                                                     | 590 00 00—£ 3061 01 08 |

## FOR THE FORCES.

|                                                                                                                              |                         |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| To Braund & Kalteisen, for cartage of wood and sentry boxes,                                                                 | 6 11 03                 |
| Churchwardens of St. Philip's parish, for subsistence of invalid soldiers, soldiers' widows and orphans, and transient poor, | 3142 14 03½             |
| Jacob Motte, Esq. advanced by him for firewood,                                                                              | 204 14 00               |
| Jacob Motte, Esq. for four men's pay since the expedition account was settled and the balance thereof appropriated,          | 139 07 00—£ 3493 06 06½ |

## PAROCHIAL CHARGES.

|                                                                                                                                                                                                            |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| To William Bampffield, for sundries for the Assembly pews in St. Michael's Church,                                                                                                                         | 93 15 00               |
| Weyman & Carne, for lining said pews,                                                                                                                                                                      | 70 15 00               |
| The churchwardens and vestry of the parish, of St. George Dorchester, for repairs to the church,                                                                                                           | 480 00 00              |
| The churchwardens and vestry of the parish of St. John, Berkley county, for repairs to the parsonage house,                                                                                                | 416 10 00              |
| The commissioners of the parish of St. Matthew, (to be paid to Tacitus Galliard, Esq.) for building a chapel in the said parish,                                                                           | 700 00 00              |
| Churchwardens and vestry of the parish of Prince Frederick, for building a chapel,                                                                                                                         | 500 00 00              |
| Churchwardens and vestry of the parish of St. Helena, for repairs to the church,                                                                                                                           | 1000 00 00             |
| David Rumph, William Young, Daniel Linder, William Steads, Jun'r. and John Brotherer, commissioners, for building a chapel of ease in the upper part of St. George's parish, for building the said chapel, | 700 00 00—£ 3961 00 00 |

## FOR CORONER'S INQUESTS.

|                                                               |                      |
|---------------------------------------------------------------|----------------------|
| To James Henry Butler, for constable's fees summoning juries, | 31 10 00             |
| Thomas Bond, Esq. for an inquest,                             | 10 00 00             |
| Henry Cassells, for inquests,                                 | 27 10 00             |
| John Gasten, for ditto,                                       | 20 00 00             |
| Joseph Glover, for an inquest,                                | 10 00 00             |
| John Harrison, surgeon, for attending the coroner's inquests, | 20 00 00             |
| Thomas Ham, constable, for summoning of juries,               | 16 10 00             |
| William Mason, coroner for Berkley county, for inquests,      | 153 10 00            |
| Henry Ravenall, Esq. for two inquests,                        | 20 00 00—£ 309 00 00 |

## FOR CRIMINALS.

|                                                                                                                  |            |
|------------------------------------------------------------------------------------------------------------------|------------|
| To his Honor the Chief Justice, for his fees on the prosecution of criminals in March and October sessions last, | 396 00 00  |
| Egerton Leigh, Esq. Attorney General, his fees,                                                                  | 1293 15 00 |
| The Clerk of the Crown, his fees,                                                                                | 410 13 01½ |
| William Loocock, for medicines,                                                                                  | 132 08 06  |
| Aaron Mannon, for constable's fees,                                                                              | 69 17 06   |
| Roger Pinckney, Esq. for subsistence of prisoners, &c.                                                           | 2192 10 00 |
| John Davison, for constable's fees,                                                                              | 3 18 09    |
| Richard Davis, for the like service,                                                                             | 12 16 05   |
| Thomas Jones, for the same,                                                                                      | 2 02 06    |
| William McLaughlin, for the same,                                                                                | 15 18 01   |

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|                                                                                  |                         |
|----------------------------------------------------------------------------------|-------------------------|
| George Welch, constable's fees,                                                  | £ 18 11 03              |
| Daniel Drose, for the same,                                                      | 6 00 00                 |
| Joseph Casey, for balance due him for the same service in 1765,                  | 36 00 00                |
| Jacob Motte, Esq. advanced by him for retaking six criminals that broke goal,    | 750 00 00               |
| Jacob Motte, Esq. advanced by him to constables for conveying criminals to goal, | 973 07 04—£ 6296 12 05½ |

## FOR CRIMINAL SLAVES EXECUTED.

|                                                                                              |                       |
|----------------------------------------------------------------------------------------------|-----------------------|
| To John Becket, for his proportion of the valuation of a slave executed,                     | 180 00 00             |
| Thomas Commander, for a slave executed,                                                      | 200 00 00             |
| Mary Culliette, for the expences of a guard attending the execution of a slave,              | 48 00 00              |
| Daniel Desaussure, for a negro executed,                                                     | 200 00 00             |
| Christopher Holson, warden of the work house, for the confinement and victualling of slaves, | 60 03 09              |
| William Miller, for a negro executed,                                                        | 200 00 00             |
| John Myers, for a negro executed,                                                            | 200 00 00             |
| Lewis Mourzon, for a negro executed,                                                         | 200 00 00             |
| George Marshall, for a negro executed,                                                       | 150 00 00             |
| Estate of Isaac Nichols, for a negro executed,                                               | 200 00 00             |
| Alexander Rantowle, for a negro executed,                                                    | 200 00 00             |
| Philip Spooler's estate, for a negro executed,                                               | 200 00 00             |
| Samuel Sealy, for a negro executed,                                                          | 200 00 00             |
| Estate of Champernoon Williamson, for a fugitive slave killed by the militia,                | 200 00 00             |
| Catharine Wigfall, for a negro executed,                                                     | 150 00 00             |
| Mary Wittsell, for victualling the guard attending the execution of a negro,                 | 13 10 00—£ 2601 13 09 |

## CONSTABLES' FEES ON THE TRIAL OF SLAVES.

|                                              |                     |
|----------------------------------------------|---------------------|
| To James Henry Butler, for constable's fees, | 52 02 06            |
| John Barraque, for constable's fees,         | 7 00 00             |
| James Ballough, for the same,                | 17 05 00            |
| Percival Dring, for the same,                | 14 15 00            |
| John Davison, for the same,                  | 40 02 06            |
| Richard Davis, for the same,                 | 6 16 03             |
| William Jones, for the same,                 | 5 01 00             |
| Daniel Mooney, for the same,                 | 65 16 00            |
| Sanders McQueen, for the same,               | 7 11 09             |
| John Van Marginhoff, for the same,           | 9 01 03             |
| John Perry, for the same,                    | 23 05 00            |
| William Thomas Quarterman, for the same,     | 7 17 06             |
| William Russel, for the same,                | 38 11 03            |
| John Snow, for the same,                     | 26 00 00            |
| William Sama, for the same,                  | 24 17 06            |
| Joseph Sanders, for the same,                | 118 08 09           |
| William Trunker, for the same,               | 49 08 09            |
| Flisha Wheelden, for the same,               | 3 07 06—£ 517 07 06 |

## FOR THE PUBLIC BUILDINGS.

|                                                                             |           |
|-----------------------------------------------------------------------------|-----------|
| To Jonathan Badger, for his salary and disbursements for the Assembly room, | 59 07 06  |
| Daniel Cannon, for sundries,                                                | 132 03 09 |
| William Davis, keeper of the State House, for sundries,                     | 180 19 07 |
| Estate of Thomas Gordon, two accounts for sundry brick-layer's work,        | 90 14 11  |

|                                                                                                  |                      |             |
|--------------------------------------------------------------------------------------------------|----------------------|-------------|
| James Lingard, for sundries iron work,                                                           | £ 8 07 06            | A. D. 1767. |
| Richard Moncrief, for sundry repairs to the barracks,                                            | 42 00 00             |             |
| Thomas and Roger Smith, for sundries for a curtain to the King's picture in the Council Chamber, | 40 10 00             |             |
| Thomas Woodin, for a plan of the intended Exchange,                                              | 36 15 00             |             |
| Edward Weyman, for making a curtain to the King's picture,                                       | 28 10 00—£ 619 08 03 |             |

## SUNDRIES TO BE PAID BY THE INHABITANTS OF CHARLESTOWN.

|                                                                 |                        |
|-----------------------------------------------------------------|------------------------|
| To Bernard Beckman, for sundries relative to the fire engines,  | 88 07 06               |
| Richard Moncrief, for the same,                                 | 82 00 00               |
| George Sheed, for the same,                                     | 74 10 00               |
| Commissioners of Roads for St. Philip's parish,                 | 100 00 00              |
| Commissioners of the Streets in Charlestown,                    | 1400 00 00             |
| Jacob Motte, Esq. advanced by him for two large fire engines,   | 1120 00 00             |
| Jacob Motte, Esq. advanced by him to pay the Charlestown watch, | 769 08 00—£ 3634 05 06 |

## EXTRAORDINARY EXPENCES.

|                                                                                                                                                      |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| To George Johnston, for attending the committee at the Secretary's office,                                                                           | 70 00 00                 |
| Edward Antelonia, for going express in the late negro alarm,                                                                                         | 6 00 00                  |
| James Henry Butler, for constable's fees, taking up sundry negroes,                                                                                  | 30 00 00                 |
| Robert Dillon, for an entertainment on the arrival of his Excellency the Governor,                                                                   | 560 12 06                |
| Robert Dillon, a second account, on the examination of slaves suspected of a conspiracy,                                                             | 30 00 00                 |
| Thomas Mace, for firing and candles in the negro alarm,                                                                                              | 22 10 00                 |
| Rubin Pring, for constable's fees on taking up sundry negroes in the late alarm,                                                                     | 179 01 03                |
| William Ruger, constable, for the same,                                                                                                              | 47 07 00                 |
| Townsend & Axon, for a bracket for Mr. Pitt's bust,                                                                                                  | 60 00 00                 |
| Thomas Farr, jun. Esq. clerk of the committee of correspondence, for his extraordinary services,                                                     | 700 00 00                |
| Negro Sampson, his annuity,                                                                                                                          | 50 00 00                 |
| Jacob Motte, Esq. public treasurer, advanced by him for levelling the old fortifications and filling up the mote in Charlestown,                     | 2250 00 00               |
| Jacob Motte, Esq. advanced by him to purchase bills of exchange to be remitted to Barbadoes for the relief of the sufferers in the late fires there, | 5000 00 00               |
| Jacob Motte, Esq. for two tax certificates issued in 1755, which have been burnt since the balance of the tax for that year was appropriated,        | 100 00 00                |
| To replace part of the sum borrowed from the fund for the encouragement of foreign protestants to settle in this Province,                           | 30,000 00 00             |
| For contingent services,                                                                                                                             | 500 00 00—£ 39,605 10 09 |
| Total,                                                                                                                                               | £ 99,469 08 11           |

P. MANIGAULT, *Speaker.**In the Council Chamber, the 28th day of May, 1767.**Assented to:* C. G. MONTAGU.

A. D. 1768.

**No. 963. AN ACT TO PREVENT STEALING OF HORSES AND NEAT CATTLE, AND FOR THE MORE EFFECTUAL DISCOVERY AND PUNISHMENT OF SUCH PERSONS AS SHALL UNLAWFULLY BRAND, MARK OR KILL THE SAME.**

**Preamble.** WHEREAS, the laws now in force in this Province are insufficient to prevent the stealing of horses, and stealing and unlawfully branding, marking or killing of neat cattle, to the great detriment of the honest inhabitants of this Province, for prevention of which evils, and for the more effectual discovery and punishment of such persons as shall be guilty of the same, we humbly pray your most sacred Majesty that it may be enacted,

**Penalty for Horse stealing.** I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, all and every person and persons, who shall be indicted and found guilty of stealing any horse, mare, gelding, colt or filly, shall for the first offence be punished with the loss of an ear, and be publicly whipped, not exceeding thirty-nine lashes, on the bare back; and for the second offence, shall be adjudged and deemed guilty of felony, and shall suffer death without the benefit of the clergy.

**Justices appointed toll masters.** II. *And be it further enacted* by the authority aforesaid, That the justices of the peace for the time being, in the several counties in this Province, shall be and they are hereby appointed toll masters in their respective counties, with full power and authority to exercise, within their several counties, all and every the powers given them by this Act.

**Horses from other Provinces to be accompanied by a voucher.** III. *And be it further enacted* by the authority aforesaid, That all persons bringing any horses, mares, geldings, colts or fillies, from Georgia, or any other of his Majesty's Provinces, by land, into this Province, for sale, shall bring a voucher under the broad seal, county seal or town seal of the respective Province, county or town from which they are brought for sale, describing the notable flesh mark and brand thereof, upon pain of forfeiting the said horse to such person as shall sue or inform for the same.

**Penalty for wilfully killing, or disfiguring horses, &c.** IV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, all and every person and persons who shall be lawfully convicted of wilfully killing, marking, branding or disfiguring any horse, mare, gelding, colt or filly, or neat cattle, the property of any other person, shall be liable to a fine of twenty pounds proclamation money, for any horse, mare, gelding, colt or filly, or neat cattle, so killed, marked or disfigured, and shall be kept close confined in the common goal until payment is made of the same; and in case the person or persons so offending shall not have sufficient effects to discharge the said fine, he, she or they shall receive such corporal punishment, not extending to life or limb, as to his Majesty's justices before whom he or she shall be convicted, shall seem meet.

**Informers entitled to £20.** V. *And be it also enacted* by the authority aforesaid, That all and every person and persons informing and giving evidence against any of the said offenders, whereby he, she or they shall be convicted as aforesaid, shall be entitled to the sum of twenty pounds proclamation money, for every person so convicted, to be paid by the public treasurer, upon a

certificate of the justices before whom such offender was convicted; and if such informer or informers have been guilty of the same offence, or accessory thereto, he, she or they are hereby declared to be pardoned and absolutely acquitted of the same.

A. D. 1768.

VI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful hereafter for any slave to brand or mark any horses or neat cattle, but in the presence and by the direction of some white person, under the penalty of being severely whipped, by order of any one or more of his Majesty's justices of the peace, before whom such offence shall be proved by the evidence of any white person or slave.

Slaves not to brand or mark horses or cattle.

VII. *And be it further enacted* by the authority aforesaid, That all and every person and persons whatsoever, within this Province, into whose inclosed grounds, lands or possession, to his or their knowledge, any horses, mares, geldings, colts or fillies, or neat cattle, shall come, from and immediately after the passing of this Act, and the owner or owners of the same are unknown, shall, within twenty days after such horses and neat cattle, if the same shall so long continue to be in his, her or their possession, produce the same before some toll master, under the penalty of four pounds proclamation money for every such neglect, whereupon the said toll master shall, under the penalty of forty shillings proclamation money, publish a description of the same, with all convenient speed, in one or other of the newspapers, and at any place of divine worship in the parish where the said toll master resides, to be there continued three weeks; and if an owner or owners shall appear and prove his or their property in the same, to the satisfaction of the said toll master, he shall immediately deliver or give an order for the delivery of such horse, mare, gelding, colt or filly, or neat cattle, to the said owner or owners, upon being paid the charges of the advertisement, and four shillings proclamation money for his further trouble; and also such charges and expences as shall by the said toll master be thought reasonable to be paid to the said person informing him of the said horses or neat cattle, or either of them, to be levied by warrant of distress upon refusal; and if no owner appears within the term of six months, then and in such case it shall be lawful for the said toll master to sell or cause to be sold the said horses or neat cattle at public out-cry, to the best advantage, and the moneys thereby arising, after deducting of the lawful charges, shall be paid into the hands of the public treasurer.

Estrays to be brought before a toll master.

VIII. *And be it further enacted* by the authority aforesaid, That managers and overseers of plantations shall, within the time by this Act limited, produce such strayed horses and neat cattle to the toll masters, as the owners of such plantations are obliged to do, under the same penalties for such neglect as is inflicted upon the owners of plantations.

Duty of managers and overseers.

IX. *And be it further enacted* by the authority aforesaid, That all penalties and forfeitures inflicted and incurred by this Act, not exceeding four pounds proclamation money, shall be recovered in such manner as is directed by the Act for the trial of small and mean causes; and if above four pounds proclamation money, shall be recovered in any court of record in this Province, wherein no essoign, protection or wager of law, or more than one imparlance shall be allowed, one half of such penalties to the use of such person or persons who shall sue or inform for the same, and the other half to be paid into the hands of the public treasurer, for the uses hereinafter mentioned.

Penalties and forfeitures, how to be recovered.

X. *And be it also enacted* by the authority aforesaid, That all fines inflicted by this Act, and the moieties of the penalties and forfeitures not herein before appropriated, and the sums arising from the sales of such

A. D. 1768.

Appropriation  
of fines and  
penalties.

horses and neat cattle, as shall for non-claim be sold by the toll masters as aforesaid, after deducting the legal charges arising thereon, shall from time to time be paid into the hands of the public treasurer of this Province, who shall pay the same to the owner of such horses or neat cattle, if he shall lay claim and prove his property in such horse or neat cattle, within twelve months after such money shall have been deposited in the treasury; but in case no claim shall be made within twelve months as aforesaid, then the sums arising from such sales shall be as a fund to discharge the rewards promised by this Act, and shall from time to time be paid by him to such person or persons who shall be entitled thereto, upon conviction of any offender, and certificate thereof by the justices as aforesaid; and where the said fund shall prove insufficient for the purposes aforesaid, the public treasurer for the time being is hereby impowered and required to pay the said rewards, out of such other funds as shall from time to time be directed by the General Assembly.

Former Act  
repealed.

XI. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, passed the seventeenth day of February, one thousand seven hundred and four, entitled "An Act to prevent stealing of horses and neat cattle," be and it is hereby repealed.

XII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful, from and immediately after the passing of this Act, for any white person or persons whatsoever, to cut or geld any stallion or stallions, which shall hereafter be found running without the enclosures of the owner or owners of the said beast or beasts, that shall be under fourteen hands high, and above four years old, or shall come within the enclosures of any person or persons whatsoever, any law, usage or custom, to the contrary thereof in any wise, notwithstanding.

Limitation of  
this Act.

XIII. *And be it further enacted* by the authority aforesaid, That this Act, and every clause, matter and thing contained therein, shall continue in force for and during the term of seven years, from and after the passing thereof, and from thence to the end of the next session of the General Assembly, and no longer.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

No. 964. *AN ACT* FOR REGULATING AND ASCERTAINING THE RATES OF WHARFAGE OF SHIPS AND MERCHANDISE, AND ALSO FOR ASCERTAINING THE RATES OF STORAGE, IN CHARLESTOWN.

Preamble.

WHEREAS, divers disputes have arisen between the merchants and others and the owners and holders of wharves in Charlestown, for want of stated rates and allowances by law for wharfage of ships and merchandize, imported into and exported out of Charlestown aforesaid, and also for weighing, storing and delivering of goods from ships and other vessels upon the wharves therein, the want of which has been complained of as a public grievance; therefore, to regulate and ascertain the rates of wharfage, storage, and delivering goods as aforesaid, and to prevent disputes for the future, we humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, A. D. 1768.  
 That immediately from and after the passing of this Act, the following rates and sums respectively shall be paid, and no greater shall be demanded or exacted by owners of wharves, or any other person, for wharfage of ships, vessels, and for merchandize imported and exported, and also for weighing and storing of goods upon the wharves in Charlestown, viz. Rates of wharfage, &c. to be as follows.

*Wharfage of Ships and other Vessels for each and every day that such vessel respectively shall lay at any wharf.*

|                                                                                                           |       |
|-----------------------------------------------------------------------------------------------------------|-------|
| For every ship, snow, brigantine or billander, loading at a wharf, seven shillings and sixpence per diem, | 7 06  |
| For every other such vessel lying, and not loading, at a wharf, fifteen shillings per diem,               | 15 00 |
| For every sloop or schooner (coasters excepted) loading at a wharf, five shillings per diem,              | 5 00  |
| For every sloop or schooner lying, and not loading, at a wharf, ten shillings per diem,                   | 10 00 |

*Wharfage of Goods landed or laden from one vessel to another, at any wharf.*

|                                                                                                                                                                                                                                                                 |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| For every barrel or half barrel of rice or other grain of the produce of this Province, seven pence half penny,                                                                                                                                                 | 07½   |
| For every barrel, box, cask or other package of Indico, one shilling and three pence,                                                                                                                                                                           | 1 03  |
| For every barrel of turpentine, landed, six pence,                                                                                                                                                                                                              | 06    |
| For every barrel of pitch, rosin or tar, landed, four pence,                                                                                                                                                                                                    | 04    |
| For every barrel of beef and pork, four pence,                                                                                                                                                                                                                  | 04    |
| For every barrel of beer, cyder, small barrels of bread, and barrels of the like size with any other goods, (dry goods excepted,) four pence,                                                                                                                   | 04    |
| For corn, pease, oats and other grain, not in barrels, landed or taken in from any other vessel, by any vessel lying at a wharf, and for salt landed or loaded on board any other vessel at the wharf, at the rate of five shillings for every hundred bushels, | 5 00  |
| For every thousand feet of inch, three quarter inch and feather edge boards, landed or taken in from vessels, or from rafts, by any vessel lying at a wharf, and in proportion for timber and plank reduced to inch measure, six shillings and three pence,     | 6 03  |
| For every thousand of shingles, three shillings and nine pence,                                                                                                                                                                                                 | 3 09  |
| For every thousand of barrel staves and barrel heading, landed or taken in as above, five shillings,                                                                                                                                                            | 5 00  |
| For every thousand of pipe staves, ten shillings,                                                                                                                                                                                                               | 10 00 |
| For every thousand of hogshead staves or heading, ten shillings,                                                                                                                                                                                                | 10 00 |
| For every cord of firewood, two shillings and six pence,                                                                                                                                                                                                        | 2 06  |
| For every cord of tanner's bark, five shillings,                                                                                                                                                                                                                | 5 00  |
| For every thousand of bricks or hearth tiles, five shillings,                                                                                                                                                                                                   | 5 00  |
| For every article hereinbefore enumerated, that shall lie longer than one week upon any wharf, half the wharfage per week before rated                                                                                                                          |       |
| For every tierce of ship bread, hogshead of wine, and other goods in hogsheads and tierces, of about sixty-three gallons, nine pence,                                                                                                                           | 09    |
| For every hogshead of rum, pipe of wine, and other goods in hogsheads and pipes, of about one hundred and twenty gallons, two shillings,                                                                                                                        | 2 00  |
| For every hogshead of sugar, of one thousand weight and under, two shillings,                                                                                                                                                                                   | 2 00  |
| For every hogshead of sugar, of above one thousand weight, two shillings and six pence,                                                                                                                                                                         | 2 06  |

|             |                                                                                                                                                                    |       |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| A. D. 1768. | For every hundred weight of hemp, four pence,                                                                                                                      | 04    |
|             | For every ton of logwood, fustick, lignumvita, landed or loaded from any other vessel at any wharf, and not laying above one week, three shillings and nine pence, | 3 09  |
|             | And for every week after, two shillings and six pence,                                                                                                             | 2 06  |
|             | For every ton of Brazelleto, taken in by one vessel from another, at any wharf, three shillings and nine pence,                                                    | 3 09  |
|             | For every ton of Brazelleto, lying on a wharf longer than one week, for each succeeding week, two shillings and six pence,                                         | 2 06  |
|             | For every hundred feet of mahogany and other heavy wood, accounting inch measure, that shall not lie longer on a wharf than one week, six pence,                   | 06    |
|             | And for every week after, four pence,                                                                                                                              | 04    |
|             | For every hundred feet of mahogany and other heavy wood, taken on board any vessel lying at a wharf, from any other vessel, six pence,                             | 06    |
|             | For every ton of iron and other heavy goods, two shillings and six pence,                                                                                          | 2 06  |
|             | For lime, at the rate of five shillings per hundred bushels,                                                                                                       | 5 00  |
|             | For every large bale, hogshead, tierce or vat of the like size, two shillings,                                                                                     | 2 00  |
|             | For every cask, trunk, case, chest, box, bundle, coile, cordage or hamper, 1 shilling,                                                                             | 1 00  |
|             | For every coach or other four wheel carriage, ten shillings                                                                                                        | 10 00 |
|             | For every riding chair or chaise, five shillings,                                                                                                                  | 5 00  |
|             | For every pot, skillet or jug or keg of shot or paint, not enclosed in any package, one penny,                                                                     | 01    |
|             | For every grind or quern stone, six pence,                                                                                                                         | 06    |
|             | For every keg of bread, flour, butter, tallow, lard, and such like articles, two pence,                                                                            | 02    |
|             | For every barrel of one hundred pounds weight of gunpowder, one shilling and three pence,                                                                          | 1 03  |
|             | And in proportion for smaller barrels of gunpowder.                                                                                                                | 2 06  |
|             | For every ton of coals, two shillings and six pence,                                                                                                               |       |
|             | And for every week, after the first week, that it shall lie on the wharf, one shilling and three pence,                                                            | 1 03  |
|             | For every hundred of paving stones, or Bermuda stones, two shillings and 6 pence,                                                                                  | 2 06  |
|             | For every hundred of raw or tanned hides, ten shillings,                                                                                                           | 10 00 |
|             | And in proportion for raw or tanned hides.                                                                                                                         |       |
|             | For every thousand (and in proportion for smaller quantities) of hay or corn blades, two shillings and six pence,                                                  | 2 06  |
|             | For every other article of goods not before enumerated, at the rate of two shillings and six pence per ton, according to weight and measure,                       | 2 06  |

*Wharfage of Goods loaden at or taken from any wharf by water.*

|                                                                                                                                                  |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----|
| For every barrel or half barrel of rice, five pence,                                                                                             | 05 |
| For every barrel, box, cask or other package of indico, six pence,                                                                               | 06 |
| For every barrel of turpentine, five pence,                                                                                                      | 05 |
| For every barrel of pitch, tar, rosin, beef, pork, beer, cyder, flour, bread, or other package of the same size, (except dry goods,) four pence, | 04 |
| For every package of a smaller size, of beer, cyder, bread, butter, flour, or other goods, (except dry goods,) two pence,                        | 02 |
| For every other species of goods, the same rates and allowances as for landing.                                                                  |    |

*Weighing of Goods and Merchandize.*

|                                                                                                                                                                                                           |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| For every barrel of rice or turpentine, weighing three hundred and seventy-five pounds and upwards, not exceeding six hundred and fifty pounds gross, if landed on the same wharf, four pence half penny, | 04½ |
| For the same, if not landed on the same wharf, seven pence half penny,                                                                                                                                    | 07½ |
| For every half barrel of rice, and for every barrel of turpentine, pitch, beef or pork, not weighing three hundred and seventy-five pounds gross, if landed on the same wharf, four pence half penny,     | 04½ |
| For the same, if not landed there, six pence,                                                                                                                                                             | 06  |

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|                                                                                                                                                                                                         |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| For every tierce, barrel or hogshead of any kind of goods, upwards of six hundred and fifty pounds, and not exceeding eleven hundred pounds, (rice and indico excepted,) per hundred weight, six pence, | 06    |
| For every barrel of rice, weighing above six hundred and fifty weight gross, seven pence half penny,                                                                                                    | 07½   |
| For every hogshead or cask of any kind of goods, weighing upwards of eleven hundred pounds, nine pence per hundred weight,                                                                              | 09    |
| For every ton of fustick, logwood, brazelleto, lignumvitæ, or other wood, per ton weight, fifteen shillings,                                                                                            | 15 00 |
| For every ton of iron, or other heavy goods, ten shillings,                                                                                                                                             | 10 00 |
| For every draft of deerskins, hemp, foreign bark, or any other kind of goods, not weighing upwards of two hundred and fifty pounds, one shilling and three pence,                                       | 1 03  |
| For every draft above two hundred and fifty pounds, of such like goods, two shillings,                                                                                                                  | 2 00  |
| For every draft or package above two hundred and fifty weight, and not exceeding five hundred weight, when no more than one is weighed, two shillings and six pence,                                    | 2 06  |
| For every barrel, hogshead or other package of indico, taring included if required, two shillings and six pence,                                                                                        | 2 06  |

*Storage of Goods.*

|                                                                                                                                                                                                                      |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| For every barrel or other cask or package of indico, per hundred pounds weight, per week, six pence,                                                                                                                 | 06   |
| For every hogshead, tierce, barrel, large trunk, case or bale of dry goods, that shall be put into any store for one or more nights, not exceeding one week, two shillings and six pence,                            | 2 06 |
| And for every week or part of a week after, the same rate as above.                                                                                                                                                  |      |
| For every smaller cask, box, bag or other package of such goods, one or more nights, not exceeding one week, one shilling and three pence,                                                                           | 1 03 |
| And for every week or part of a week after, the same rate.                                                                                                                                                           |      |
| For every hogshead of rum, pipe of wine, tierce or hogshead of bottled liquor, and for every hogshead or large tierce of sugar, per week, two shillings and six pence,                                               | 2 06 |
| And for every week or part of a week after, two shillings,                                                                                                                                                           | 2 00 |
| For every whole barrel of rice, not exceeding six hundred and fifty pounds gross, for the first and last week, one shilling,                                                                                         | 1 00 |
| And for every intervening week, six pence per barrel,                                                                                                                                                                | 6 00 |
| For every half barrel of rice, barrel of pork, beef, bread and other barrels and packages, not before rated, not weighing above three hundred and seventy-five pounds gross, for the first and last week, six pence, | 06   |
| And for every intervening week, four pence,                                                                                                                                                                          | 04   |
| And in proportion to the foregoing rates for every other article not enumerated above, according to size and weight.                                                                                                 |      |

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful, from time to time, and at all times hereafter, for all and every person and persons to enter the docks of any of the wharves in Charlestown, with coasting vessels, boats or pettiangers, and to land upon and take on board from the said wharves all commodities whatsoever, upon paying the rates hereby imposed, without any let or hindrance from any owners of wharves, wharfingers, or any other persons whatsoever. Provided always, that all light vessels shall be obliged to give place to those that are loaded. And each and every such person keeping or having charge of any wharf or bridge, and all persons employed by them hereafter, shall, within one month from the passing of this Act, take a solemn oath before the public treasurer for the time being, in the words following, *mutatis mutandis*, "I, A. B., of

Vessels may enter any of the docks.

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Oath to be  
taken by  
wharfingers.

Charlestown, owner, wharfinger or manager of a wharf or bridge commonly known by the name of ——— wharf or bridge, do solemnly swear or affirm that I will, as soon as may be, adjust all the public scales and weights in use upon the said wharf, and regulate the same from time to time by the provincial standard, according to law; and that I will, at all times, do impartial justice between seller and buyer, in the weighing of rice and all other commodities upon the said wharf or bridge, while the said wharf or bridge shall be under my care and management: So help me God." And the public treasurer of this Province is hereby enjoined and required to administer such oath, and to give a certificate of the same under his hand to each and every person managing or having charge of any wharf or bridge who shall take and apply for the same, without fee or reward for administering such oath and granting a certificate thereof.

Penalty for ne-  
glect of duty.

III. *And be it enacted* by the authority aforesaid, That if any person or persons keeping or having charge of a wharf or bridge now built, or that shall hereafter be built, in Charlestown aforesaid, or any person employed by them, shall refuse or neglect to keep such a wharf-book and to make such entries therein, or shall refuse or neglect to take such oath as is herein before required, within one month from the time of passing this Act, as aforesaid, or within one week at all times afterwards, after each and every such person and persons shall take upon him, her or them the keeping, charge or management of any wharf or bridge as aforesaid, that each and every person so offending shall forfeit the sum of one hundred pounds proclamation money.

Landing of  
wood, bark, &c.

IV. *And be it further enacted* by the authority aforesaid, That the masters or patroons of all boats and schooners bringing wood, bricks, tanner's bark or lumber to the docks of any of the wharves in Charlestown, shall land the same on such convenient parts of the said wharves to which carts may have easy access, as the wharfinger or owner of the said wharves shall without unreasonable delay direct.

Standard  
weights and  
measures to be  
procured.

V. *And be it further enacted* by the authority aforesaid, That the public treasurer shall, immediately after the passing of this Act, procure or cause to be made, of brass or other proper metal, one weight of fifty pounds, one weight of twenty-five pounds, one weight of fourteen pounds, two weights of six pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupoise weight, according to the standard of London; and also of cedar-wood, neatly shaped and handled with iron, one bushel, one half bushel, one peck, one half peck, measures, according to the standard of London; which weights shall each respectively be stamped or marked in figures, denominating the weight thereof, and shall be kept by the said public treasurer; and the said weights and measures shall be deemed and taken to be the standard weights and measures, by which all the weights and measures in this Province shall be regulated; and the public treasurer, and the treasurer for the time being, into whose charge and custody such weights and measures shall come or be delivered, is hereby made accountable for the same, and shall, once in every year, produce and shew all and every such weights and measures, if thereunto required, to the committee appointed to audit and report upon the public treasurer's accounts; and the said public treasurer is hereby enjoined and required to allow each and every owner, keeper or manager of any wharf or bridge in Charlestown, who shall have taken the oath and obtained a certificate as is hereinbefore required, to make use of any or all the weights and measures before mentioned, for the purpose of regulating the weights and measures upon the wharf or bridge owned or kept by him or them, taking

Treasurer to be  
accountable for  
the same, and  
may loan them  
to the wharf-  
ingers.

a proper receipt for the same ; and if any such owner, keeper or manager of any wharf or bridge shall refuse or neglect to bring back and return to the public treasurer's office all and every such weights and measures as he, she or they shall or may have borrowed for the purposes aforesaid, for the space of twenty-four hours after the same shall be demanded from him by the public treasurer, shall forfeit the sum of forty shillings proclamation money, and shall also be liable to pay the full value of each and every weight or measure so kept back, detained or lost by him, her or them.

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VI. And whereas, notwithstanding the intention of the laws in force to prevent it, great frauds and abuses have been and still are daily committed in the sale of fire-wood in Charlestown, to the great oppression of the poor and others inhabitants of the said town ; and whereas, great quantities of coal are imported into this Province, and of late much used by the inhabitants of the said town for firing ; and great complaints are daily made by the said inhabitants of frauds and abuses practised by the sellers of such coal, in delivering short weight and measure ; to remedy, therefore, the defects in the laws now of force, relative to the sale of fire-wood, and to prevent future frauds and abuses in the sale of coals, *Be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, all fire-wood which shall be brought to Charlestown for sale, shall be in length at least four feet, under the penalty or forfeiture of every cord of wood in which more than six logs shall be found deficient in length ; and that no fire-wood shall be sold, or exposed or offered for sale, within the said town, or in boats or vessels lying at the wharves of the said town, otherwise than by the cord measure, (that is to say) one cord to measure at least eight feet long and four feet high, well stowed and put close together, and so in proportion for a greater or lesser quantity ; and also that no coals shall be sold within the said town otherwise than by the chaldron, reckoning the chaldron to consist of thirty-six bushels, Winchester measure, heaped up, or by the ton weight, reckoning the ton to consist of twenty hundreds gross weight, (that is to say) every hundred to consist of one hundred and twelve pounds of avoirdupoise weight, and after those rates for any greater or lesser quantity.

Lawful measure of wood and coal, sold or offered for sale.

VII. And to prevent disputes between the buyers and sellers of such fire-wood and coals, respecting the due cording, measuring or weighing thereof, *Be it also enacted* by the authority aforesaid, That the wood and coal measurers hereinafter directed and required to be elected and appointed for the time being, shall, each and every of them, within ten days after their election for that purpose, take the following oath of office before any one of his Majesty's justices of the peace in Charlestown, (who is hereby directed to administer the same, and to give a certificate thereof gratis,) viz. "I, A. B., do solemnly and sincerely swear or affirm, as the case shall be, that I will justly and truly execute the office of a wood and coal measurer in Charlestown, pursuant to the directions and true intent and meaning of the Act of the General Assembly of this Province in such case made and provided and now in force, according to the best of my skill and judgment, without neglect, prejudice, favour or affection." And the said wood and coal measurers, and each of them, after their election and qualification aforesaid, shall be judges of such cording, measuring and weighing, and their judgment shall be final between the parties, respecting the due cording, measuring or weighing of the same. And if any person or persons shall presume to sell or expose or offer for sale in Charlestown any fire-wood otherwise than by the cord, to be measured as aforesaid, or coals otherwise than by the chaldron or ton, to be measured or weighed as aforesaid, such person or persons shall respectively forfeit the sum of

Wood and coal measurers to take an oath.

All wood and coal not of the lawful measure to be forfeited, and the seller fined £4.

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four pounds proclamation money for each and every offence, and also the said wood or coals; and each of them so sold or exposed or offered for sale shall be forfeited and seized by the said wood and coal measurers, or any of them, and sold at public outcry, for the most money that can be got for the same; and the neat monies arising thereby shall be paid into the hands of the churchwardens of St. Philip's parish, for the use of the poor of the said town.

Wood and coal  
measurers to  
be annually  
elected.

VIII. *And be it also enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the inhabitants of Charlestown, being freeholders, shall meet at the parish church of St. Philip's, and elect five reputable persons, being freeholders, residing in the said town, (the limits of the said town to extend as hath been lately declared in several tax laws, as far as the lines of the new fortifications, from river to river, on the north part of Charlestown, which hereafter shall be the northern bounds of the said town) who shall serve the office of wood and coal measurers until Easter Monday next after the passing of this Act; and yearly and every year after the passing of this Act, the said inhabitants of the said town, qualified as aforesaid, shall meet at the said church on Easter Monday, and elect five wood and coal measurers for the year ensuing, in the same manner as parish officers are elected, who are hereby declared to be wood and coal measurers for Charlestown. And the said wood and coal measurers shall severally have, for their trouble and attendance, for each cord of wood by them respectively measured, and for each chaldron or ton of coals by them measured or weighed, the following sums, (that is to say,) for every cord of wood, fifteen pence current money, and for every chaldron or ton of coals, two shillings and six pence, like money, to be paid by the seller of such wood or coals. And the said wood and coal measurers, or any one of them, shall be obliged to attend at the place or places of landing wood or coals, and shall see the same faithfully measured or weighed, whenever thereunto required, between sunrise and sunset, (Sundays and holidays excepted,) under the penalty of twenty shillings proclamation money for every offence and neglect in so doing; and any such person or persons so chosen wood and coal measurers, and that shall wilfully refuse to serve in the said office and take the oath aforesaid, shall forfeit the sum of ten pounds like money; provided, that no person shall be obliged to serve in the said office above once in seven years.

Their fees and  
duties.

Vacancies, how  
to be filled.

IX. *And be it also enacted* by the authority aforesaid, That in case any of the wood and coal measurers so nominated and chosen as before directed, shall happen to die, refuse to act, or depart this Province, other person or persons, (as the case shall require,) qualified as aforesaid, shall be chosen by the persons as aforesaid, and so from time to time, as often as such death, neglect or refusal shall happen, which election shall be made within ten days after such person or persons shall die, refuse or neglect to act as such, by the said freeholders as aforesaid, who shall be summoned by the churchwardens to meet at the usual place of election, at least seven days before they proceed to such election; and the person or persons so chosen in the room of him or them so dying, refusing to act, or departing this Province, shall have the same powers and be under the same penalties as the other wood and coal measurers, or as if they had been originally chosen into the said office.

Part of a former  
Act repealed.

X. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, such paragraphs or clauses of an Act entitled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing the several commodities and merchandize in this

Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six, or any other Act or Acts as relates to the selling or measuring fire-wood, or the office or duty of a wood measurer, be, and they are hereby, declared absolutely repealed, annulled and made void.

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XI. *And be it further enacted* by the authority aforesaid, That all the penalties and forfeitures imposed or inflicted by this Act shall, if not exceeding the sum of twenty pounds current money, be recovered and levied by warrant from any one justice of the peace, according to the Act for the trial of small and mean causes; and in case such penalty or forfeiture shall exceed the sum of twenty pounds current money, the same shall and may be recovered by action of debt, bill or plaint, in any court of record in Charlestown, wherein no essoign, protection, privilege or wager of law shall be allowed: provided, that the same be sued for or prosecuted within the term of three months after the offence shall be committed, and at no time after; and all the said penalties and forfeitures which shall be recovered by virtue of this Act, shall be applied one half to the use of him, her or them who will inform and sue for the same, and the other to the use of the poor in Charlestown, to be paid to the churchwardens of St. Philip's parish.

Penalties and  
forfeitures, how  
to be recovered.

XII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation of  
this Act.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

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AN ACT to appoint and authorize commissioners to cut a Canal from the upper end of Broad-street into Ashley river, and to reserve the vacant marsh on each side of the said canal for the use of a Common for Charlestown; and to empower the commissioners of the streets in Charlestown to remove a certain nuisance in the street commonly called Allen's street. No. 965.

(Passed April 12, 1768. *See last volume.*)

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AN ACT for appropriating the present Work House for a place of Correction, for building a Poor House and Hospital, for establishing further regulations respecting the poor, and for appropriating a burial ground for transient persons who shall happen to die in Charlestown. No. 966.

(Passed April 12, 1768. *See last volume.*)

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- No. 967. AN ACT for altering and amending an Act passed the seventh day of May, one thousand seven hundred and forty-three, entitled "An Act for making satisfaction to proprietors whose lands are in any wise damnified by the works lately erected and now erecting and carrying on, or which may be thought necessary to be erected and provided for by the General Assembly for the defence of Charlestown, and for vesting the lands on which the said works stand, or may stand, in the public, forever."

(Passed April 12, 1768. *See last volume.*)

- No. 968. AN ACT TO REVIVE AND CONTINUE, FOR THE TERM THEREIN LIMITED, SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS PROVINCE.

WHEREAS, several beneficial laws are expired or near expiring ; we therefore pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the six last clauses of an Act entitled "An Act for preventing as much as may be the spreading of the small pox," passed the tenth day of August, one thousand seven hundred and sixty-four; and also an Act entitled "An Act for the better regulating the Militia of this Province, and for repealing the former Acts for regulating the Militia, and for repealing an Act entitled An Act for the further security and better defence of this Province," passed the thirteenth day of June, in the year of our Lord one thousand seven hundred and forty-seven; and also a clause for amending the said Act for the better regulating the Militia of this Province, contained in an Act entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned, and for amending one of the said Acts entitled An Act for the better regulating the Militia of this Province, and for repealing the former Acts for regulating the Militia, and for repealing an Act entitled An Act for the further security and better defence of this Province," passed the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five; and also an Act entitled "An Act to regulate the assize and price of Bread," passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and forty-nine; and an Act entitled "An Act for regulating the making of dams or banks for reserving of water, where the same may affect the properties of other persons," passed the twenty-ninth day of March, in the year of our Lord one thousand seven hundred and forty-four; and also an Act entitled "An Act for the establishment of a Market in the parish of St. Philip, Charlestown, and for preventing ingrossing, forestalling, regrating and unjust exactions in the said town and market," passed the eleventh day of April, in the year of our Lord one thousand seven hundred and thirty-nine; and an Act entitled "An Act for making more useful Fort Johnson and Fort Frederick, and the several Look-outs that now are or

Former Acts  
revived and  
continued.

shall hereafter be kept or established near any of the inlets in this Province," passed the fifth day of April, in the year of our Lord one thousand seven hundred and forty; and also a clause relative to boats or vessels passing Fort Lyttleton, contained in an Act entitled "An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, and for amending some of the said Acts in the manner herein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine; and an Act entitled "An Act for rendering and making the office of a constable more easy and less expensive to the persons appointed," passed the eighth day of March, in the year of our Lord one thousand sand seven hundred and forty-one; and also an Act entitled "An additional Act to an Act entitled an Act for the better regulating taverns and punch houses," passed the eighth day of March, in the year of our Lord one thousand seven hundred and forty-one; and a clause contained in an Act entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine, empowering the Governor or Commander-in-chief of this Province, with the advice and consent of his Majesty's Council, to limit the number of tavern licences to be granted in this Province, whenever it shall be necessary; and also an Act entitled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing of the several commodities and merchandize in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also an Act entitled "An Act for the better establishing and regulating of patrols in this Province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six; and also an Act entitled "An Act for licensing hawkers and pedlars, and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven; and an Act entitled "An Act concerning masters and apprentices," passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and forty; and also an Act entitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," passed the seventh day of May, in the year of our Lord one thousand seven hundred and forty-three; and an Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty, except such parts of the last above mentioned Act as were repealed, altered or amended by a subsequent Act entitled "An Act to prevent the inveigling, stealing and carrying away negroes and other slaves in this Province, and to prevent the carrying away of schooners or pettyaugers;" and also for repealing so much of an Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province, as relates to the time in which offenders that are apprehended shall be tried, and giving the justices and freeholders a power to postpone the trial of such offenders," passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four; and by another Act entitled "An additional and explanatory Act to an Act of the General Assembly of this Province, entitled An Act for the better ordering and governing negroes and other slaves in this Province, and for continuing such part of the said Act as is not altered or amended by this present Act, for the term therein mentioned," passed the seven-

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teenth day of May, in the year of our Lord one thousand seven hundred and fifty-seven; and also an Act entitled "An Act for appropriating the duties imposed by law on goods, wares and merchandizes imported into and exported out of the port of Beaufort, Port Royal, for the term therein mentioned, towards building and keeping in repair a pilot boat or boats to attend the bar of the harbour of the said port, and for the better settling and regulating the pilotage of the said harbor, and for appointing a comptroller and a receiver of the country duties for the said port, and for obliging all ships and other vessels trading to the said port, to pay powder money," passed the sixteenth day of May, in the year of our Lord one thousand seven hundred and fifty-two, except such parts of the said Act as relates to the appointment of such comptroller and receiver; and an Act entitled "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this Province, relating to discounts," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and also an Act entitled "An Act to restrain and prevent the too frequent sales of goods, wares and merchandize by public auction or outcry in Charlestown, and for the better regulation of such sales," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and an Act entitled "An Act for preventing as much as may be, the spreading of malignant and contagious distempers in this Province, and for repealing the former Acts and paragraphs of Acts heretofore made for that purpose," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and also an Act entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Province, such part of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled an Act for the relief of debtors, with respect to the imprisonment of their persons, as is therein after mentioned, and to repeal the several Acts of Assembly now of force in this Province for the relief of insolvent debtors," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty nine; and an Act entitled "An Act for establishing and regulating the artillery company which was formed out of the militia in Charlestown," passed the thirty-first day of July, in the year of our Lord one thousand seven hundred and sixty; and also an Act entitled "An Act for the establishing, keeping and maintaining a watch company for preserving good orders and regulations in Charlestown," passed the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and sixty-one; and such part of an Act entitled "An Act for appointing commissioners to lay out a road or causeway over Lynch's Island, situate in Santee river, and for establishing the ferries therein mentioned," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, as relates to the ferries established by the said Act; and also an Act entitled "An Act for amending an Act entitled an additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one, except such parts of the same as were repealed, altered or amended in and by two other subsequent Acts, passed the eleventh day of May, in the year of our Lord one thousand seven hundred and fifty-four, the one entitled

an Act for ascertaining the district, for cleansing, cutting and keeping in repair the creek or cut, commonly called the Hawl-over, and the other entitled an Act appointing commissioners for repairing and keeping in repair the bridge over Combahee river, from the causey to the town of Radnor, and commissioners for rebuilding and keeping in repair the bridge over Wappoo creek, in the parish of St. Andrew, and declaring the said bridge and Hooper's bridge, in the said parish of St. Andrew, to be parish bridges, and appointing commissioners for the said bridge; and an Act entitled "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, in the year of our Lord one thousand seven hundred and fifty-one; and also an Act entitled "An Act appointing Charles Garth, Esq. agent to solicit and transact the affairs of this Province in Great Britain," passed the nineteenth day of May, one thousand seven hundred and sixty-two—be, and they are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during and unto the full end and term of seven years, from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

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P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

AN ACT to appoint Commissioners to lay out, cut, sink, and keep in repair, several Drains or Water Passages, to carry off the waters falling into, and for draining the swamp commonly called Cacaw Swamp, and the lands at the head thereof. Also, to appoint Commissioners to lay out, make, and keep in repair the roads therein mentioned, in the parishes of St. Luke and St. Peter; and for making and keeping in repair a Drain on the Cypress Swamp, from Bacon's bridge to the plantation of Robert Eckles. No. 969.

(Passed April 12, 1768. *See last volume.*)

AN ACT for building a new Church in the parish of St. James, Santee, and for converting the present Church in the parish into a Chapel of Ease, and for building another Chapel of Ease at or near the 7 mile post on the road leading from Cochran's ferry to Charlestown, and for selling the present and purchasing a new Glebe in the said parish. No. 970.

(Passed April 12, 1768. The original not now to be found.)

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No. 971. AN ACT FOR ESTABLISHING A PARISH IN BERKLEY COUNTY, BY THE NAME OF ST. MATTHEW, AND FOR DECLARING THE ROAD THEREIN MENTIONED TO BE A PUBLIC ROAD.

Preamble.

WHEREAS, the inhabitants in the upper part of Berkley county are become so numerous, (and daily increasing) that it is absolutely necessary to establish a parish, and build a church and chapels for the convenience of the said inhabitants, we therefore humbly pray his most sacred Majesty that it may be enacted,

A parish in  
Berkley county  
to be laid out  
and established.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, a parish shall be laid out and established in Berkley county aforesaid, in the following manner, (that is to say,) by running a line from the plantation of Garrard Neilson, on Santee river, inclusive, to the place where the new road leading from the plantation of Tacitus Gaillard, Esq. to the road leading from Charlestown to Orangeburgh, intersects the line that divides the parish of St. George Dorchester from St. James Goose Creek, and from thence to continue on the said line until it intersects the Four Hole creek the second time, thence following the said creek till it intersects the South-east bounds of Orangeburgh township, and from thence along the bounds of the said township to the southward, and where that line reaches Edisto river up the course of the said river until the North-west boundary of the said township, from the river, a North-east course along the line of the township until it joins the South-west bounds of Amelia township, and from thence a North-east course till it reaches Beaver creek; and that the said parish shall hereafter be called and known by the name of St. Matthew, and the inhabitants thereof shall and may use, exercise and enjoy all the rights, privileges and immunities that the inhabitants of any other parish do or can use, exercise or enjoy by the laws of this Province.

Church,  
chapel, &c. to  
be erected in  
said parish.

II. *And be it also enacted* by the authority aforesaid, That a church, chapel and parsonage house shall be built at such places, within the bounds of the said parish, as the major part of the commissioners hereafter named shall order and direct; and also, that a chapel shall be built at such place, within the bounds of the said parish, as the major part of the commissioners hereafter last named shall order and direct.

Duties, &c. of  
the Rector.

III. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish for the time being, shall officiate in the said church and chapels alternately, and shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen, and shall have yearly paid to him and his successors for ever, the same salary as is appointed for the rector or minister of any other parish in this Province, (the parishes of St. Philip and St. Michael excepted) out of the fund appropriated or to be appropriated for payment of the salaries of the clergy of this Province; and the public treasurer for the time being is hereby authorized and required to pay the same under the like penalties and forfeitures, as for not paying the salaries due to the other rectors or ministers of the several other

parishes in this Province; and the said rector or minister of the said parish shall have and enjoy all and every such privileges and advantages, and be under such rules, laws and restrictions as the rectors or ministers of the other parishes in this Province have and enjoy, or are subject and liable unto.

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IV. *And be it also enacted* by the authority aforesaid, That Benjamin Farar, Colonel William Thompson, William Heatley, Thomas Platt, Tacitus Gaillard, Thomas Sabb, John Bordell, John Caldwell, Robert Whitton, William Flood, John McNichol, be, and they are hereby appointed, commissioners or supervisors for the building of the new church, chapel and parsonage house in the said parish of St. Matthew, exclusive of that part of the parish called Orangeburgh township; and that Gavin Pou, Captain Christopher Rowe, Samuel Rowe, William Young and Andrew Govan, or a majority of them, be, and they are hereby appointed, commissioners or supervisors for building the chapel in that part of the parish called Orangeburgh township, and they or the major part are fully authorized and empowered to purchase a glebe for the said parish, and to take subscriptions, and to receive and gather, collect and sue for all such sum or sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the church-wardens and vestry of the said parish of St. Matthew, for the time being, shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said church-wardens and vestry shall seem meet, which commissioner or commissioners, so to be nominated and appointed, shall have the same powers and authority for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

Commissioners appointed.

V. *And be it further enacted* by the authority aforesaid, That after the dissolution of the present General Assembly, the inhabitants of the parish of St. James Goose Creek, qualified by law for that purpose, (who heretofore by law chose four members to represent them in General Assembly) shall hereafter choose and elect three members and no more, to represent them in General Assembly, any law, statute or usage to the contrary notwithstanding; and that the inhabitants of the said parish of St. Matthew, qualified by law for that purpose, shall always hereafter choose and elect one member to represent them in General Assembly; and that writs for the electing the said members to serve in the General Assembly for each of the said parishes, shall be issued in the same manner and at the same time as for the several other parishes in this Province, according to the directions of the Act to ascertain the manner and form of electing members to represent the inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said House.

Number of Representatives to be chosen for the parishes of St. James and St. Matthew.

VI. *And be it also enacted* by the authority aforesaid, That the new road leading from the ferry of Tacitus Gaillard, Esq. to the road leading from Charlestown to Orangeburgh, shall be, and is hereby declared to be, a public road, and shall be worked upon and kept in repair by the inhabitants of each parish through which the said road runs, in the same manner as all other public roads in this Province are; and that the commissioners hereinbefore appointed, shall also be commissioners of and for the said road, and all other roads in the said parish of St. Matthew, and shall have the same powers and authority as any commissioners of the high roads in this Province have; and in case any of the said commissioners shall die

A public road declared.

A. D. 1768.

or refuse to act, the remaining commissioners shall from time to time choose one or more commissioner or commissioners in the room of him or them so dying or refusing to act; and he or they so chosen shall have the same powers and authority as the said other commissioners.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to: C. G. MONTAGU.*

**No. 972. AN ACT FOR ESTABLISHING A PARISH IN CRAVEN COUNTY, BY THE NAME OF ST. DAVID, AND FOR APPOINTING COMMISSIONERS FOR THE HIGH-ROADS IN THE SAID PARISH.**

Preamble.

WHEREAS, the inhabitants residing on Pedee river, in the parishes of St. Mark and Prince George, in Craven county, have represented many inconveniences which they are under for want of having a parish laid out and established in the said county, and prayed that a law may be passed for that purpose, we therefore pray his most sacred Majesty that it may be enacted,

A parish to be laid out in Craven county.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, a parish shall be laid out and established in Craven county aforesaid, bounded in the following manner, (that is to say,) by a North-west line to be run from the northward-most corner of Williamsburgh township to Lynch's creek, and from thence by that creek to the provincial line, and that the line dividing St. Mark's from Prince Frederick's parish be carried on in the same course from Great Pedee, where it now ends, to the provincial line aforesaid, by which, together with lines aforesaid and Lynch's creek, the new parish shall be bounded, and that the said parish shall hereafter be called and known by the name of St. David.

Church, chapel, &c. to be built in said parish.

II. *And be it further enacted* by the authority aforesaid, That a church, chapel and parsonage house shall be built at such places, within the bounds of the said parish, as the major part of the commissioners hereafter named shall order and direct.

Duties, &c. of the Rector.

III. *And be it further enacted* by the authority aforesaid, That the rector or minister of the said parish for the time being, shall officiate in the said church and chapel alternately, and shall be elected and chosen in the same manner as the rectors or ministers of the several other parishes in this Province are elected and chosen, and shall have yearly paid to him and his successors forever, the same salary as is appointed for the rector or minister of any other parish in this Province, (the parishes of St. Philip and St. Michael excepted,) out of the fund appropriated or to be appropriated for payment of the salaries of the clergy of this Province; and the public treasurer for the time being is hereby authorized and required to pay the same, under the like penalties and forfeitures as for not paying the salaries due to the other rectors or ministers of the several other parishes in this Province; and the said rector or minister of the said parish shall have and enjoy all and every such privileges and advantages;


and be under such rules, laws and restrictions, as the rectors or ministers of the other parishes in this Province have and enjoy, or are subject and liable unto. A. D. 1768.

IV. *And be it further enacted* by the authority aforesaid, That Claudius Pegues, Philip Pledger, Alexander McKintosh, George Hicks, Thomas Ellerbee, Robert Allison, Thomas Lide, Charles Bedingfield, James James, Robert Weaver, Thomas Crawford, James Tompson, Thomas Port and Benjamin Rogers, be, and they are hereby appointed, commissioners or supervisors for the building of the new church and chapel and parsonage house in the parish of St. David, and they or a major part of them are fully authorized and empowered to purchase a glebe for the said parish, and to take subscriptions, and to receive and gather, collect and sue for all such sum or sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the church-wardens and vestry of the said parish of St. David for the time being shall and may nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said church-wardens and vestry shall seem meet, which commissioner or commissioners, so to be nominated and appointed, shall have the same powers and authorities for putting this Act in execution, to all intents and purposes, as the commissioners herein named.

V. *And be it also enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the commissioners herein appointed for building the church, chapel and parsonage house in the said parish, do call the inhabitants thereof together, to choose parish officers, and fix on the most proper places for building the church and chapel. Officers to be chosen for parish of St. David.

VI. *And be it also enacted* by the authority aforesaid, That from and after the dissolution of the present General Assembly, the inhabitants of the parish of St. Mark, (which heretofore chose two members of Assembly,) and the inhabitants of the parish of St. David, qualified by law for that purpose, shall choose and elect one member each, and no more, to represent the said parishes respectively, in General Assembly; any law, usage or custom, to the contrary in any wise notwithstanding; and that writs for electing members to serve in General Assembly for the said parishes, shall be issued at the same times and in the same manner as for the several other parishes in this Province, according to the directions of the Act of the General Assembly in that case made and provided. Number of Representatives to be chosen for the parishes of St. Mark and St. David.

VII. *And be it also enacted* by the authority aforesaid, That Claudius Pegues, Philip Pledger, Alexander McKintosh, George Hicks, Thomas Ellerbee, Robert Allison, Thomas Lide, Charles Bedingfield, James James, Robert Weaver, Thomas Crawford, James Tompson, Thomas Port and Benjamin Rogers, shall be, and they are hereby appointed, commissioners for the high-roads in the said parish of St. David; and the said commissioners, or a majority of them, shall have the same powers and authorities for laying out and making and keeping in repair the roads in the said parish, and shall be subject and liable to the like penalties and forfeitures as the commissioners for the high-roads in other parts of this Province have, or are subject and liable unto by the laws of this Province; and in case any of the commissioners appointed by this Act shall happen to die, depart the province, or refuse to act, it shall and may be lawful for the remainder of the commissioners, or a major part of them, to nominate and appoint another commissioner or commissioners, in the room of him or them so dying, departing the Province or refusing to act; and the Commissioners of roads appointed.

A. D. 1768.  commissioner or commissioners so nominated and appointed shall have the same powers and authorities, and be subject to the same penalties and forfeitures as the commissioners appointed by this Act.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

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No. 973. AN ACT for establishing and making public a road to lead from Orangeburgh to Saludy, and from thence to Bush and Rayburn's Creeks, and for appointing Commissioners for the same; and also for establishing and making public a Ferry over Saludy river, and vesting the same in Samuel Kelly and John Millhouse, their Executors, Administrators and Assignees, for the term therein mentioned.

(Passed April 12, 1768. *See last volume.*)

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No. 974. AN ACT for establishing a Ferry at the lands of James James, in the Welch tract, in the Parish of Prince George, opposite Cedar Creek, in the parish of St. Mark; and also for establishing and making public a road to lead from the North-east side of the said ferry down the country, into the public road; and likewise a road to lead from the upper side of Cedar Creek, and also a road to lead from the lower side of the said creek into the public road leading down the country.

(Passed April 12, 1768. *See last volume.*)

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No. 975. AN ACT for altering a private path or road, formerly laid out by the Board of Commissioners, in the parish of St. Thomas and St. Dennis, through the plantation of the Rev. Alexander Garden, to the plantation of Thomas Akin, and for establishing one other private path or road to the plantation of the said Thomas Akin, and for vesting the lands and effects lately belonging to the French church in the said parish, in the church-wardens and vestry of the said parish.

(Passed April 12, 1768. *See last volume.*)

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No. 976. AN ORDINANCE TO APPOINT MR. JOSEPH JENKINS, JR. COUNTRY WAITER FOR THE PORT OF BEAUFORT, PORT ROYAL.

Preamble. WHEREAS, Mr. William Toseland, late Country Waiter for the said port of Beaufort, is dead, and it is necessary that some proper person should be appointed to execute the said office,

I. *Be it therefore ordained*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly, and by the authority of the same, That Mr. Joseph Jenkins, Jr. be, and he is hereby appointed and declared, Country Waiter for the Port of Beaufort, Port Royal, aforesaid, to all intents and purposes whatsoever. A. D. 1768.  
A country waiter appointed.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

**AN ACT** FOR GRANTING A LOAN OF ONE THOUSAND FIVE HUNDRED POUNDS TO THE VESTRY OF ST. MICHAEL'S PARISH, CHARLESTOWN, FOR THE TERM OF THREE YEARS, WITHOUT INTEREST, TO PAY PARISH CHARGES, AND FOR PROVIDING A SECURITY FOR THE RE-PAYMENT OF THE SAME TO THE PUBLIC, AND FOR OTHER PURPOSES HEREIN MENTIONED. No. 977.

WHEREAS, the vestry of St. Michael's Parish in Charlestown have necessarily contracted several debts with many persons for the building a parsonage house and convenient out-houses, on the glebe lands in the said parish, and for altering the galleries of the parish church and building sundry new pews therein, and thereby have expended all the monies in their hands belonging to the said parish, and are now reduced to difficulties in making full compensation to the several workmen and other persons still having demands against them for the said services, wherefore they have made application by petition for the loan of a sum of money out of the public treasury, for the term of three years, to enable them to make immediate payment of such demands, which said sum of money is purposed to be returned by them or their successors in office, at the end of the said three years, out of the rents hereafter to become due for the hire of the said new pews; we therefore humbly pray his most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the public treasurer of this Province do immediately advance out of any monies now in the treasury, unto the church wardens and vestry of the said parish, the sum of fifteen hundred pounds currency, free of interest, for the term of three years, to be appropriated by them towards payment of the said demands against the said parish. Loan of 1500l. to church wardens of St. Michael's parish.

II. *And be it further enacted* by the authority aforesaid, That in case the whole or any part of the said sum of money so lent, shall not be returned by them or their successors in office into the public treasury at the end of the said three years, or within six months thereafter, that then it shall and may be lawful to and for the public treasurer of the said Province, and he is hereby authorized and required, to expose to sale, and sell to the highest bidder, first giving one month's public notice of such sale, as many of In case of failure to pay up the loan, &c.

A. D. 1768.

Church wardens may lease or rent pews, &amp;c.

the said new pews made and erected by the said vestry as aforesaid, as will be sufficient for repaying to the public the whole or any part of the said sum of money so lent as aforesaid for the purposes above said, and to make good and sufficient titles in fee simple to the purchasers thereof.

III. *And be it further enacted* by the authority aforesaid, That after full payment and satisfaction of the said sum of fifteen hundred pounds currency, all and every of the said pews then unsold or undisposed of, shall be, and they are hereby, declared to be vested in the church wardens and vestry of the said parish, for the time being, who are hereby authorized to lease and rent out the same, and receive and recover the rents thereof, and to pay and appropriate the rents arising therefrom, from time to time, towards the defraying the expence of finishing and keeping in repair the said church, or to such other parochial charges as they shall think requisite and necessary.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to: C. G. MONTAGU.*

No. 978. *AN ACT* FOR BUILDING A NEW CHURCH IN THE PARISH OF ST. JAMES SANTEE, AND FOR CONVERTING THE PRESENT CHURCH IN THE SAID PARISH INTO A CHAPEL OF EASE; AND FOR BUILDING ANOTHER CHAPEL OF EASE AT OR NEAR THE SEVEN MILE POST, ON THE ROAD LEADING FROM COCHRAN'S FERRY TO CHARLESTOWN, AND FOR SELLING THE PRESENT AND PURCHASING A NEW GLEBE IN THE SAID PARISH.

Preamble.

WHEREAS, the present parish church and the glebe land of St. James Santee are situate in a corner of the said parish, to the great inconvenience of the parishioners, and it is necessary to build another church in a more central part of the parish, where the inhabitants may more conveniently resort to do the duty required therein, and to convert the present parish church into a chapel of ease; and also to build another chapel of ease in the said parish, and to sell the present glebe and to purchase another that will be more convenient for the rector or minister of the said parish; we therefore pray his most sacred Majesty that it may be enacted,

Parish church to be built near Wambaw bridge.

I. *And be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a church shall be built at or near Wambaw Bridge, in the said parish of St. James, which church when finished shall be, and is hereby, declared to be the parish church of St. James Santee, to all intents, constructions and purposes whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Old church converted into a chapel of ease.

II. *And be it further enacted* by the authority aforesaid, That as soon as the said new church shall be built and finished, the present church in the said parish shall be, and is hereby, declared to be a chapel of ease, and the rector or minister of the said parish shall perform divine service therein on every fourth Sunday; provided, it happen not upon Easter Sunday, Whit

Sunday or Christmas day, and in such case, to preach on the second Sunday after, and from thence again on every fourth Sunday.

A. D. 1768.

III. *And be it further enacted* by the authority aforesaid, That Thomas Lynch and Daniel Horry, Esquires, and John Drake, Jacob Motte, Jun., Paul Mazyck, and Jonah Collins and Elias Horry, be, and they are hereby, appointed commissioners for building the said church and setting up pews therein; and they and every of them are, and is, hereby authorized and empowered to take and sue for subscriptions to and for the same, and to receive, gather and collect all such sum or sums of money as any pious and well disposed persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusal to act of any of the said commissioners, the remaining commissioners, or any five of them, shall and may, and they are hereby fully authorized and empowered to nominate and appoint another person or persons to be commissioners in the room and place of such person or persons so dying, absenting or refusing to act, and the person or persons so nominated and appointed, shall have the same power and authority for putting this Act in execution, to all intents and purposes, as the commissioners hereinbefore named.

Commissioners appointed for building new church, &c.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, with the monies to be collected by the contributions aforesaid, shall have power, and they are hereby authorized and required, as soon as conveniently may be, to build the said church and set up pews in the same, in such manner as they in their discretion shall think fit, which pews shall be made as equal in size as can be, and shall be disposed of in manner following, that is to say, the persons who shall have contributed most towards the building of the said church, shall be entitled to have the first choice of the pews in the same, and if it shall happen that several persons have contributed equally, such persons shall draw lots for the choice; and the said commissioners, or any five of them, are hereby empowered and required to convey the said pews to such persons, their heirs and assigns forever, by an instrument in writing under their hands and seals for that purpose.

How the pews shall be disposed of.

V. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or a majority of them, are hereby empowered and required to sell the present glebe or parsonage in the said parish of St. James Santee, and with the money arising thereby, to purchase one other glebe or parsonage in the said parish, in a more convenient situation between the church and chapels herein mentioned.

Commissioners shall sell the present and purchase another glebe.

VI. *And be it further enacted* by the authority aforesaid, That Theodore Gaillard, Paul Douzaint, Richard Withers, Daniel McGregor and Peter Mouzon, be, and they are hereby, appointed commissioners or supervisors for the building of a chapel of ease in the said parish of St. James Santee, at such place near the seventh mile post on the road leading from Cochran's Ferry to Charlestown, as the major part of the said commissioners shall order and direct, and that the rector or minister of the said parish shall perform divine service therein every fourth Sunday; provided, it happen not on Easter Sunday, whit Sunday or Christmas day, and in such case to preach on the next Sunday after, and from thence again on every fourth Sunday; and the said commissioners, and they and every of them, are, and is hereby, authorized and empowered to take and sue for subscriptions to and for the said chapel, and to receive, gather and collect all such sum or sums of money as any pious and well disposed persons shall give and contribute for the purposes aforesaid: and in case of the death, absence or refusal to act of any of the said commissioners, the remaining commissioners, or the major part of them, shall and may, and they are

Commissioners appointed to build a new chapel of ease, &c.

A. D. 1768. hereby fully authorized and impowered to nominate and appoint another person or persons to be commissioners in the room and place of such person or persons so dying, absenting or refusing to act; and the person or persons so nominated and appointed shall have the same power and authority for putting this Act in execution, to all intents and purposes, as the commissioners herein named and appointed.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 12th day of April, 1768.*

*Assented to:* C. G. MONTAGU.

- No. 979. AN ACT for raising and granting to his Majesty the sum of one hundred and five thousand seven hundred and seventy-three pounds nine shillings and six pence, and applying the sum of forty-four thousand six hundred and seventy-three pounds four shillings and seven pence, being the balance of several funds in the Public Treasury, making together the sum of one hundred and fifty thousand four hundred and forty-six pounds fourteen shillings and one penny, to defray the charges of this Government from the first day of January to the thirty-first day of December, one thousand seven hundred and sixty-seven, both days inclusive, and for other services therein mentioned.

(Passed April 12, 1768.)

NOTE.—The provisions of this Act are so similar to preceding Tax Acts, that it is deemed expedient by the Editor to omit the body of the Act.

- No. 980. AN ACT for establishing Courts, building Goals, and appointing Sheriffs and other Officers, for the more convenient administration of justice in this Province.

(Passed April 12, 1768. *See last volume.*)

- No. 981. AN ACT TO ENCOURAGE THE DISCOVERY AND APPREHENDING OF HOUSE BREAKERS AND BUYERS AND RECEIVERS OF STOLEN GOODS.

Preamble.

WHEREAS, the crimes of burglary and breaking open houses in a felonious manner, are of late years become more frequent than formerly, to the great disquiet, terror and impoverishing of his Majesty's subjects within this Province, which crimes might be in great measure prevented if due encouragement be given to such as shall rigorously endeavour the discovery and apprehending of such malefactors, and some severe punishment inflicted on such as shall receive or buy stolen goods, and harbour and protect the said offenders; for remedy whereof, we pray your most sacred Majesty that it may enacted,

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of the said Province,

and by the authority of the same, That from and after the expiration of one month after the passing of this Act, all and every person and persons who shall apprehend and take any white person or persons guilty of burglary or the felonious breaking and entering of any house in the day time, and prosecute him, her or them so apprehended and taken, until he, she or they be convicted of such burglary or felony, shall have and receive the sum of ten pounds proclamation money, within one month after such conviction, to be paid by the public treasurer of this Province out of any monies lying in the treasury, to the person or persons so taking, apprehending and prosecuting the said offenders, he and they rendering a certificate to the said treasurer under the hand or hands of the judges or justices before whom such felon shall be convicted for such burglary or felony, certifying the conviction of such felon for the said offence or offences, and also that such felon or felons was or were taken by the person or persons claiming the said reward; and in case any dispute shall happen to arise between the persons so apprehending any the said felons, touching their right and title to the said reward, that then the said judge or justices so respectively certifying as aforesaid, shall, in and by their said certificate, direct and appoint the said reward to be paid to and amongst the parties claiming the same in such share and proportions as to the said judge or justices shall seem just and reasonable.

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Persons apprehending felons to be rewarded.

II. *And be it further enacted* by the authority aforesaid, That in case any constable, watchman, or any other person or persons having a wife or child living, shall happen to be killed, maimed or disabled from labour by any such burglar or house breaker in endeavouring to apprehend or in making pursuit after him or them, that then such person, in case he shall be maimed or disabled, shall be entitled to the same rewards as are allowed by the militia Act to poor freemen and white servants maimed or disabled in the public service; and in case such persons shall happen to be killed, then the wives and children of such persons so killed shall be entitled to the same rewards as the wives and children of poor freemen and white servants killed in the public service are entitled unto by virtue of the said Act, upon a certificate under the hands and seals of two of the next justices of the peace, of such person or persons being so killed, maimed or disabled from labour, which certificate the said justices, upon sufficient proof before them made, are immediately required to give without fee or reward.

Persons maimed or killed in endeavouring to apprehend felons to be entitled to an annuity.

III. And forasmuch as the said felons are much encouraged to commit such burglaries and felonies, because a great number of persons make it a trade to receive and buy of the said felons the goods so by them feloniously taken, and also do make it their business to harbour and conceal the said offenders after the said facts, knowing the said felonies and burglaries to have been by them committed, *Be it therefore enacted* by the authority aforesaid, That if any person or persons shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any burglars, felons or thieves, knowing them to be so, shall be taken and received as accessory or accessories to the said felony or felonies, and being of either of the said offences legally convicted by the testimony of one or more credible witnesses, shall suffer and incur the pains of death as a felon convict; provided always, that if any such principal felon who shall commit such burglary or felony aforesaid, cannot be taken so as to be prosecuted and convicted for any such offence, yet nevertheless, it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any goods stolen by any such principal felon, knowing the same to be stolen, as for a misdemeanor, to be punished by

Penalty for buying or receiving stolen goods.

A. D. 1769.  fine, public whipping and standing in the pillory, although the principal felon be not before convicted of the said felony, which shall exempt the offender from being punished as accessory, if such principal felon shall be afterwards taken and convicted; any law, usage or custom to the contrary notwithstanding.

Judges or justices to decide who are entitled to rewards under this Act. IV. *And be it further enacted* by the authority aforesaid, That the judge or justices (before whom such felons and house-breakers and receivers of stolen goods, knowing them to be such, shall be convicted as aforesaid,) shall determine and settle the right, rights and shares of such respective persons, who by virtue of this Act shall be entitled to the certificate and reward herein directed to be given; and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered, the said certificate, without fee or reward, to such person or persons intitled thereunto, before the end of such assizes or sessions wherein such conviction as aforesaid shall be had.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 23rd day of August, 1769.*

*Assented to:* WM. BULL.

No. 982. AN ADDITIONAL ACT to "An Act for establishing and maintaining a Watch Company for preserving good orders and regulations in Charlestown."

(Passed August 23, 1769. *See last volume.*)

No. 983. AN ACT for establishing a Ferry at the Two Sisters' Bluff on Savanna River, and for laying out and making, and keeping in repair a public Road from the said Bluff to the main Road leading from Coosawhatchie to Purrysburgh.

(Passed August 23, 1769. *See last volume.*)

No. 984. AN ACT to incorporate the society commonly called and known by the name of the Fellowship Society.

(Passed August 23, 1769. *See last volume.*)

No. 985. AN ACT for laying out a street in Ansonburgh and the parts adjacent thereto, by the name of Boundary Street.

(Passed August 23, 1769. *See last volume.*)

No. 986. AN ORDINANCE appointing Commissioners for repairing the bridges over Wappoo Creek in the parish of St. Andrew, and Coosawhatchie Creek lying between the Parishes of Prince William and St. Luke.

(Passed August 23, 1769. *See last volume.*)

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**AN ACT** FOR REVIVING AND CONTINUING AN ACT ENTITLED "AN ACT TO IMPOWER CERTAIN COMMISSIONERS THEREIN MENTIONED TO KEEP CLEAN AND IN GOOD ORDER THE STREETS IN CHARLESTOWN, AND FOR ESTABLISHING CERTAIN REGULATIONS IN THE SAID TOWN," AND FOR REPEALING THE EIGHTH AND PART OF THE SEVENTEENTH CLAUSES OF AN ACT COMMONLY CALLED THE GENERAL DUTY ACT.

No. 987.

WHEREAS, an Act of the General Assembly of this Province entitled "An Act to empower certain commissioners therein mentioned to keep clean and in good order and repair the streets in Charlestown, and for establishing other regulations in the said town," passed the tenth day of August, one thousand seven hundred and sixty-four, will expire with the next session of Assembly, and is proper to be continued; we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act of the General Assembly of this Province entitled "An Act to empower certain commissioners therein mentioned to keep clean and in good order and repair the streets of Charlestown, and for establishing other regulations in the said town," be, and it is hereby declared to be, revived, continued and enacted to be of full force and virtue for and during and unto the full end and term of five years from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly; and that the eighth clause of the Act entitled "An Act for the better strengthening of this Province by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize, for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandize from the duties imposed by any former Act or Acts of the General Assembly of this Province," passed the fourteenth day of June, one thousand seven hundred and fifty-one, which appropriates one-fifth part of the nett sum arising by the said tax, for defraying the expence of surveying and running out lands, and passing grants to such poor Protestants as shall come into this Province to settle, be, and is hereby declared to be, repealed, null and void. Provided always, that in case there shall not be found a sufficient sum of money in the treasury appropriated by the said clause, to defray the expence of running out lands and passing grants to such poor Protestants as have come into this Province to settle, who have already received their bounty and grants, and also such who have received the bounty and have not yet had their grants, and for the sums already due or hereafter to grow due to the several officers for those services, that then it shall and may be lawful for the public treasurer for the time being, and he is hereby required, to pay the expense of running out lands and passing the said grants, and also the officers' fees for the aforesaid services only, out of any money raised or to be raised by virtue of the said General Duty Act.

A former Act continued for five years.

The 8th clause of the general duty Act repealed.

Provision as to poor Protestants' lands.

II. *And be it further enacted* by the authority aforesaid, That part of the seventeenth clause of the above recited Act, which imposes duties

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Part of the 17th  
clause of the  
general duty  
Act repealed.

on the following goods and commodities imported into this Province, that is to say, upon every barrel of pork imported, two pounds; upon every barrel of beef imported, ten shillings; on timber, plank, boards, staves, shingles or other lumber, twenty pounds upon the value of every hundred pounds; upon every deer skin, six pence; upon every barrel of pitch, tar and turpentine, one pound; upon every pound weight of indico, one shilling—is hereby declared to be repealed and made null and void, to all intents and purposes whatsoever. Provided, the importers of such commodities do, within twenty-four hours after landing, give bond to the public treasurer, with sufficient security, in the penal sum of double the value of the commodity so imported, either to export the same or pay the duties laid thereon by the said Act, within eight months after such importation.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 23d day of August, 1769.*

WILLIAM BULL.

NOTE.—As the greater part of this Act is a reviving and repealing Act, in relation to laws on general subjects, not appertaining to the concluding volume exclusively, I have thought fit to insert it here.

No. 988. *AN ACT FOR THE PRESERVATION OF DEER, AND TO PREVENT THE MISCHIEFS ARISING FROM HUNTING AT UNSEASONABLE TIMES.*

Preamble.

WHEREAS, many idle, loose and disorderly persons, as well residents as non-residents in this Province, have made and do make a constant practice of wandering up and down the same, and of killing the deer, merely for the sake of the skins, leaving the flesh to rot, whereby wolves and other beasts of prey are brought among the stocks of cattle, hogs and sheep, to the great annoyance and damage of the owners thereof; and whereas, the dangerous practice of hunting and killing of deer in the night time, by carrying of lighted torches through the woods, is now become very common, by means whereof several persons have been killed, and great numbers of all sorts of cattle are frequently destroyed, to the manifest injury of the owners of the same; for remedy thereof, and in order to prevent, as much as may be, the like mischiefs in future, we humbly pray his most sacred Majesty that it may be enacted,

Killing deer  
prohibited at  
certain periods.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of the members of his Majesty's honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and after the passing of this Act it shall not be lawful for any person whatsoever to shoot or kill any doe or fawn, between the first day of January and the last day of July which shall be in any year; nor to shoot or kill any buck, between the first day of September and the last Friday of October, and between the first day of March and the last day of April, in any year; and if any person whatsoever shall presume to hunt, shoot or kill, or otherwise destroy, any buck, doe or fawn, running wild in the woods, within the times hereinbefore respectively limited, every person so offending shall forfeit and pay the sum of two pounds proclamation money for every buck, doe or fawn so killed or destroyed, the same to be recovered before any

justice of the peace in the county where such offence shall be committed, upon conviction by the oath of one sufficient witness, or on confession of the party, such penalty to be applied and disposed of in the manner hereinafter directed. Provided, that nothing in this Act contained shall extend or be construed to extend to deprive the Indians in-amity with this Province of any right or privilege that they are entitled to, by virtue of any treaty now subsisting between them and this Government. And if any servant or slave, by command of his or her master, mistress or overseer, shall so shoot or kill any deer as aforesaid, the party giving such command shall be liable to the like penalties respectively; and if such servant or slave cannot prove such command, (by a ticket in writing from his or her master, mistress or overseer,) he or she shall receive, by order of such justice of the peace, for every such offence, twenty lashes on the bare back, unless security be given for payment of the fine, within one month after such conviction. Provided always, that it shall and may be lawful for any freeholder or housekeeper, at any time, to kill or cause to be killed any kind of deer in his inclosed grounds, without being liable to any penalty for so doing. Provided also, that nothing in this Act contained shall extend or be construed to extend to any person who shall kill at any time any deer for food, for the necessary subsistence of himself or family, so as such person do not sell or dispose of the skin of any deer so killed; and in case any person shall be prosecuted for killing deer within the times prohibited by this Act, and such person shall alledge that he killed such deer for food for the necessary subsistence of himself or family, the burden of the proof shall lie on the person so prosecuted.

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Friendly Indians excepted.

Any person may kill deer for food.

II. *And be it further enacted* by the authority aforesaid, That any person or persons (the Indians above mentioned only excepted) who shall hereafter hunt or kill any deer in the night time, except in their own enclosed grounds, for every such offence shall forfeit and pay the sum of four pounds proclamation money, to be applied and disposed of in the manner hereinafter directed.

Penalty for killing deer in the night time.

III. *And be it further enacted* by the authority aforesaid, That if any person, at any time whatsoever, shall hunt or range on any lands whatsoever, without the consent of the proprietor, at a greater distance from his or her place of residence than seven miles, every such person so offending shall forfeit and pay the sum of two pounds proclamation money for every such offence. All which penalties and forfeitures hereinbefore mentioned shall and may be recovered before any justice of the peace in the county where any of the offences aforesaid shall be committed, and when received shall be divided and paid, one half to and for the use of the poor of the parish where the offence shall be committed, and the other half to the person who will inform for the same; and the oath of one credible witness, or the confession of the party accused, shall be allowed as sufficient evidence to convict the offender, by every justice of the peace before whom information shall be made of any of the offences aforesaid. And in case any person so convicted as aforesaid shall refuse or neglect to pay such fine, then it shall and may be lawful for the justice of the peace, before whom he shall be so convicted, to commit such person to the common goal in Charlestown, or to the county goal, when such shall be built, there to remain, without bail or mainprize, for the space of two months; and where the owners of any lands shall prosecute for any unlawful hunting and ranging on his or her lands, the oath of such owner shall be sufficient evidence to convict the offender, but in that case the whole penalty shall go to the poor of the parish.

No persons allowed to hunt at a greater distance than 7 miles from their place of residence.

Fines and forfeitures, how to be recovered and disposed of.

A. D. 1769.

IV. *And be it further enacted* by the authority aforesaid, That this Act and every thing therein contained shall continue and be of force for the space of five years from the day of the passing thereof, and no longer.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, this 23d August, 1769.*

*Assented to:* WILLIAM BULL.

No. 989. *AN ACT* FOR STAMPING AND ISSUING THE SUM OF ONE HUNDRED AND SIX THOUSAND AND FIVE HUNDRED POUNDS, BEING THE AMOUNT OF THE PRESENT LAWFUL PAPER BILLS OF CREDIT IN THIS PROVINCE, AND FOR CALLING IN AND EXCHANGING THE PAPER BILLS OF CREDIT NOW OUTSTANDING, WHICH ARE A TENDER BY LAW IN ALL PAYMENTS.

Preamble.

WHEREAS, the present lawful paper bills of credit in this Province, amounting to the sum of one hundred and six thousand and five hundred pounds, now outstanding, are become old, and, by passing through many hands, obliterated, torn and defaced, so that their denominations are very difficult to be distinguished; we humbly pray your most sacred Majesty that it may be enacted,

Commissioners appointed.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That Benjamin Dart, John Lloyd, John Parker, Thomas Evance, Daniel Horry, Benjamin Waring and Thomas Bee, Esqs. be, and are hereby appointed, commissioners to put in execution the several powers and authorities hereinafter mentioned.

Authorized to stamp £106,500 in bills of credit

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and they are hereby authorized, to stamp the sum of one hundred and six thousand and five hundred pounds, in bills of credit, and with such devices and signatures as they shall think fit, of the following denominations, (that is to say,) one thousand and seventy bills of the denomination of twenty pounds, two thousand and seven hundred bills of the denomination of ten pounds, two thousand three hundred and fifty-five bills of the denomination of five pounds, three thousand bills of the denomination of two pounds, twelve thousand five hundred and eight bills of the denomination of one pound, twelve thousand five hundred and nine bills of the denomination of ten shillings, fifteen thousand bills of the denomination of seven shillings and six pence, fifteen thousand bills of the denomination of six shillings and three pence, thirty thousand bills of the denomination of five shillings, and thirty thousand bills of the denomination of two shillings and six pence; which bills, according to their respective denominations, from the twenty pounds down to the two pounds, inclusive, shall be of the following tenor, that is to say:

"*South Carolina.* (No ———) ——— Pounds.

Form of the bills.

"This bill shall pass current in this Province for the sum of ——— pounds, and shall be a tender in law in all payments for that sum. Dated the ——— day of ———, in the ——— year of his Majesty's reign, Anno Domini 17—."

And the bills from one pound to two shillings and six pence inclusive, according to their respective denominations, shall be of the following tenor, that is to say:

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"*South Carolina.* (No. ———.) ——— lawful money. Dated the ——— day of ———, 17——."

III. *And be it further enacted* by the authority aforesaid, That when the plates are engraved for stamping the said several denominations of bills, one or other of the said commissioners shall constantly attend the press, at all times when any impressions of the said bills are making, and shall keep all and every the said plates in safe custody at all other times, to prevent any impressions thereof being made in the absence of the said commissioners; and when the whole number of bills as aforesaid shall be run off from the said plates, the said plates shall be obliterated or destroyed, in presence of a committee of his Majesty's Council and the Commons House of Assembly, at the then next meeting of the General Assembly.

Commissioners to attend the press while the bills are printing.

IV. *And be it further enacted* by the authority aforesaid, That all the bills to be stamped and issued in virtue of this Act shall be signed by the said commissioners, in the following manner, (that is to say) the said bills of the denomination of twenty pounds, ten pounds, five pounds and two pounds, shall be signed by all the said commissioners; and all the other bills shall be signed by any four of the said commissioners only; and after they are signed by the commissioners they shall be indented by the public treasurer, and the counterpart of the indentures kept on files; and each of the said bills shall be numbered, and the counterpart of each bill shall have the same number as the bill, to the intent that if it should be suspected any of the said bills are counterfeited, razed or altered, the indenture of the suspected bill may be compared with the counterpart of the bill with the same number; and the said treasurer shall be and is hereby required to lodge the files of counterparts in his office, to be produced to any person who shall desire to compare any of the aforesaid bills therewith, without fee or reward.

Bills to be signed, indented and numbered.

V. *And be it further enacted* by the authority aforesaid, That all and every the aforesaid bills of credit, to be stamped and issued by virtue of this Act, shall be current in all payments for the sum of money therein mentioned, and shall be taken and deemed a good tender in law; and that in case any person or persons shall refuse to accept any of the said bills, being tendered in payment of a debt, the person or persons who shall have tendered the same may, on any action brought for the sum so tendered, give such tender, refusal and this Act in evidence, on the general issue pleaded, which shall be taken and deemed as an absolute discharge of the said debt, and shall perpetually bar the plaintiff from recovering the sum so tendered.

To be a legal tender, and current in all payments.

VI. *And be it further enacted* by the authority aforesaid, That if any person or persons whoever shall forge, counterfeit or utter any bill or bills in imitation, likeness or similitude of any of the bills of credit directed by this Act to be stamped, signed and issued, knowing the same to be forged or counterfeited, or shall counsel, advise, procure or any ways assist in the counterfeiting, impressing, stamping or signing of any such bill or bills, or that shall engrave any plate or make any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, that then all and every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon, without the benefit of the clergy.

Penalty on counterfeiting bills of credit.

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New bills to be  
exchanged for  
the old.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall, from time to time, within twelve months after the passing of this Act, deliver such new bills as are signed and fit to be issued to the public treasurer of this Province for the time being; and the said public treasurer shall number and exchange the said new bills for the old, and shall give public notice when the said bills are ready to be exchanged, and shall put the old bills brought to be exchanged on a file or in a bundle; and the said treasurer shall deliver unto the proprietors of the said old bills new bills, in value equal to the old bills.

The old bills to  
be burnt.

VIII. *And be it further enacted* by the authority aforesaid, That all the old bills which shall be received by the said public treasurer and filed or bundled, according to the directions of this Act, shall be by the said public treasurer burnt, in the presence of a committee of Council and of the Commons House of Assembly of this Province, to be appointed for that purpose; and that after two years from the time of passing this Act none of the paper bills of credit now outstanding shall be a lawful tender or of value to the possessors of the same.

Surplus of new  
bills how to be  
disposed of.

IX. *And be it further enacted* by the authority aforesaid, That upon exchanging the new bills for the old, if it shall so happen the whole sum of one hundred and six thousand and five hundred pounds shall not be brought in old bills to be exchanged, then the said public treasurer shall, after the expenses of paper, engraving and stamping the said bills are defrayed, retain the remaining part in his hands, to be applied in such manner as the General Assembly shall direct.

Public treasurer  
allowed 500  
pounds.

X. *And be it further enacted* by the authority aforesaid, That the public treasurer, for his trouble in numbering, indenting and exchanging the said new bills for the old bills, shall be allowed the sum of five hundred pounds current money, out of the public treasury.

Commissioners  
dying, refusing,  
or absenting.

XI. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall refuse to act, happen to die, or depart this Province, before they have executed the powers and authorities hereby given them, it shall and may be lawful for his Excellency the Governor or the Commander-in-chief of this Province for the time being, by and with the advice and consent of his Majesty's honorable Council, to appoint another commissioner or commissioners in the room or place of him or them so refusing to act, dying or departing this Province, who shall have the same powers and authorities therein as the commissioners appointed by this Act, to all intents and purposes whatever.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 23d day of August, 1769.*

*Assented to:* WM. BULL.

A. D. 1770.

AN ACT for raising and granting to his Majesty the sum of seventy thousand three hundred and twenty-six pounds seven shillings and two pence, and applying the sum of thirty-six thousand five hundred and eighty-two pounds thirteen shillings and two pence, being the balance of several funds in the public treasury, making together the sum of one hundred and six thousand nine hundred and nine pounds and four pence, to defray the charges of this Government from the first day of January to the thirty-first day of December, one thousand seven hundred and sixty-eight, both days inclusive, and for other services therein mentioned.

No. 990.

(Passed August 23, 1769.)

NOTE.—The substance of this Act, (15 folio MS pages,) is omitted, as containing no matter of present moment.

AN ACT for laying out and establishing several new Streets in the north-west parts of Charlestown, and for building a new parsonage house for the parish of St. Philip, Charlestown, and for empowering the Vestry and Churchwardens of the said parish, for the time being, to lay out part of the glebe land of the said parish in lots, and to let the same out on building leases; and for other purposes therein mentioned.

No. 991.

(Passed April 7, 1770. *See last volume.*)

AN ACT for establishing a Ferry over Saludy River, at the lands of Robert Cunningham; and also another Ferry, over Savannah River, opposite to Augusta in Georgia; and appointing Commissioners to lay out, make and keep in repair several roads leading thereto.

No. 992.

(Passed April 7, 1770. *See last volume.*)

AN ACT for a Fish Market, and for preserving the Lamps in Charlestown.

No. 993.

(Passed April 7, 1770. *See last volume.*)

AN ACT TO ENCOURAGE THE MAKING OF FLAX, LINENS AND THREAD IN THIS PROVINCE. No. 994.

WHEREAS, the inhabitants of the interior parts of this Province have become of late very numerous, and as nothing can contribute more to the strength and riches of a country and a due subordination to Government, than giving encouragement to all settlers to cultivate various valuable and

Preamble.

A. D. 1770.

useful commodities, we therefore humbly pray his most sacred Majesty that it may be enacted,

Premium on  
flax, &c. raised  
in this Pro-  
vince.

I. *And be it enacted*, by the Honorable William Bull, Esq. Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That all persons who shall within the time appointed by this Act, make or cause to be made, in this Province, any of the articles hereafter mentioned, shall have and enjoy, as a reward or premium for such articles, after and according to the several rates as follows, viz : for every hundred weight of well dressed merchantable flax, reckoning five score to the hundred weight, twelve shillings proclamation money ; for all good and merchantable linens and thread, a bounty after the rate of thirty pounds, for every hundred pounds of the true and real value of the said linens and thread.

Inspectors  
appointed.

II. *And be it further enacted* by the authority aforesaid, That George Sheed, Esq. Aaron Loockock, William Banbury, Peter Bacot, William Parker, Hugh Swinton and Arthur Peronneau, for Charlestown ; Paul Trapier, William Allston, Samuel Wragg, Anthony Bonneau and Thomas Godfrey, for Georgetown ; Col. Nathaniel Barnwell, William Elliott, Thomas Rutledge, Samuel Grove and Henry Stuart, for Beaufort, Port Royal, shall be, and they are hereby, nominated and appointed inspectors of all such flax, linen and thread, as shall be made in this Province, and they, or any three of them, respectively, shall and may judge and determine whether such flax, linens and thread are of a quality to be entitled to the premiums given by this Act, and shall and may fix and ascertain the value of such linens and thread as are hereby entitled to a premium of thirty per cent. on the true value thereof.

Oath to be  
taken and cer-  
tificate produc-  
ed before the  
bounty is paid.

III. *And be it further enacted* by the authority aforesaid, That no person whatsoever shall be entitled to the said bounty, unless he or she shall make oath before the said inspectors, or some one or other of them, who are hereby empowered to administer such oath, and also the other oath hereinafter mentioned, that he or she made in this Province the flax, linen or thread produced to such inspector, mentioning the weight thereof, and that neither he or she, or any other person before that time, had received any premium or bounty for the same ; or unless such person or persons shall sign and make oath to a certificate before some known magistrate in the county where he resides, that he or she is the real owner of a quantity of flax, linen or thread, expressing the weight thereof, and that the same is of the growth, produce and manufacture of his or her plantation, mentioning the place where the same is situated in this Province, and that he or she hath either absolutely sold or delivered the same to another person, mentioning also the name of such person, and the port to which it is to be carried and sold or otherwise disposed of, on his or her account ; and unless such person to whom the same is so sold or delivered shall produce such certificate, attested before a justice of the peace, and make oath before the said inspectors, or one of them, that the flax, linen or thread produced by him or her to such inspectors, is the flax, linen or thread so sold or delivered to him or her by the person making oath to such certificate as aforesaid, and that neither he or she or any other person before that time, had received any bounty or premium for the same ; which said certificate shall be in the words and to the effect following, viz :

Form of  
certificate.

"I, A. B., of the parish of \_\_\_\_\_ in \_\_\_\_\_ county, do hereby certify that I am the real owner of \_\_\_\_\_ weight of flax, linen or thread, and that the same is of the growth, produce and manufacture of

my plantation, situated in ——— county in this Province, and that I have absolutely sold the same to ———, (or as the case shall be) delivered the same to C. D., to be carried to (mentioning the port) to be sold or otherwise disposed of by him on my account, and that neither I, the said A. B., or any other person, have or hath received any bounty or premium for the same or any part thereof. A. D. 1770.

"The above certificate was signed and sworn to }  
before me the — day of —. E. F. J. P. }

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall take a false oath before any justice of the peace in this Province, in order to procure his attestation of such certificate or certificates of the growth of flax or making of linen or thread, all and every such person or persons shall be deemed and adjudged guilty, and shall suffer the pains and penalties of wilful and corrupt perjury; and every justice of the peace, planter or maker of flax, linen and thread, or other person who shall be guilty of any fraud in attesting, signing or swearing to such certificate, shall forfeit the sum of one hundred pounds proclamation money, to be recovered and applied as is hereinafter directed. In case of false swearing, penalty, &c.

V. *And be it further enacted* by the authority aforesaid, That the public treasurer for the time being shall be, and he is hereby, obliged and required to pay the said premiums on flax, linen and thread, to the maker or makers thereof, or to the possessor or possessors of the certificate or certificates, to be sworn and attested as aforesaid, upon such maker's or possessor's producing to the public treasurer a certificate from the inspectors or any three of them, that such maker or possessor hath complied with the terms of this Act and is entitled to receive such bounty. Premiums to be paid by public treasurer.

VI. *And be it further enacted* by the authority aforesaid, That the penalty and forfeiture by this Act imposed, shall and may be prosecuted, determined and recovered by action of debt, in his Majesty's court of common pleas in this Province, wherein no essoign, protection, privilege or wager of law, or more than one imparlance, shall be admitted or allowed; and the said penalty and forfeiture shall be applied, one moiety to his Majesty for the use of this Government, and the other moiety to him or them that will sue for the same. How penalties, &c. shall be recovered.

VII. *And be it also enacted* by the authority aforesaid, That in case any of the inspectors by this Act named respectively, shall happen to die, depart the Province or refuse to Act, then it shall and may be lawful for the other inspectors, or a majority of them for Charlestown, Georgetown and Beaufort respectively, to nominate and appoint another person or persons to be inspector or inspectors in the room of him or them so dying, departing the Province or refusing to Act, and the person and persons so chosen shall be invested with and have the same powers and authorities as the other inspectors hereby nominated and appointed. How vacancies shall be filled.

VIII. *And be it further enacted* by the authority aforesaid, That this Act and every thing therein contained shall continue and be of force, for Limitation. and during the term and space of five years, and from thence to the end of the next sessions of the General Assembly of this Province.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 7th day of April, 1770.*

*Assented to:* WM. BULL.

A. D. 1770.

No. 995. AN ACT for establishing a road from Orangeburgh Bridge to Indian Head, a road from Indian Head to the road which leads from the ridge to Augusta, another road from the ridge road to Long Cane Creek, another road from Long Cane Creek to Great Rockey Creek, and another road from Great Rockey to Mountain Creek, near Cuffee Town, and for declaring the road from Robert Goudy's at Ninety-Six, to the ridge, and from thence to the road to lead from the Indian Head to Long Cane, a public road.

(Passed April 7, 1770. See last volume.)

No. 996. AN ACT FOR ESTABLISHING A CHAPEL OF EASE ON EDISTO ISLAND, IN THE PARISH OF ST. JOHN, COLLETON COUNTY, AND ALSO A CHAPEL OF EASE IN THE UPPER PART OF THE PARISH OF ST. JOHN, BERKLEY COUNTY, AND FOR OBLIGING THE RECTORS OR MINISTERS OF THE RESPECTIVE PARISHES TO PERFORM DIVINE WORSHIP IN THE SAID CHAPELS.

Preamble. WHEREAS, the inhabitants of Edisto Island, in the parish of St. John, Colleton county, have by their humble petition to the General Assembly set forth, that they live at a remote distance from their parish church, and have moreover a wide and rapid river to cross, whereby they and their families are sometimes exposed to great danger in going to the said church to attend the public worship of God, and therefore prayed that a chapel of ease may be built on the said Edisto Island, and that the rector or minister of the said parish of St. John, Colleton county, may perform divine worship therein; we therefore humbly pray his most sacred Majesty that it may be enacted,

Commissioners for building a chapel on Edisto Island. I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Joseph Seabrook, Benjamin Jenkins, John Seabrook, Christopher Jenkins and Joseph Fickling, be, and they are hereby, nominated and appointed commissioners for building a chapel of ease at some convenient place on Edisto Island, in the parish of St. John, Colleton county.

Duties, &c. of the Rector. II. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish of St. John, Colleton county, shall be, and he is hereby, obliged and required to perform divine service at the said chapel of ease, when built, every sixth Sunday, provided, it happen not upon Easter Sunday, Whit Sunday or Christmas day, and in such case to preach on the next Sunday after, and from thence again on every sixth Sunday; provided always, that the expence of conveying the said rector or minister of the said parish, from the parsonage house on John's Island to the said chapel on Edisto Island, hereby directed to be built, and back again to the said parsonage house, shall be defrayed solely by the said inhabitants of Edisto Island.

III. And whereas, the inhabitants in the upper part of the parish of St. John, Berkley county, have by their humble petition to the General Assembly set forth, that the church and chapel in the said parish are both at

the lower end of the said parish, and at too great a distance from them to attend divine worship at either of them, and therefore prayed that another chapel may be built in the upper part of the said parish, *Be it therefore enacted* by the authority aforesaid, That Henry Ravenell, Peter Gourdin, Job Marion, Peter Whitten and Samuel Littell, be, and they are hereby, nominated and appointed commissioners for building a chapel of ease at or near the place known by the name of Markey's old field, in the said parish of St. John, Berkley county.

A. D. 1770.

Commissioners  
for building a  
chapel in Berk-  
ley county.

IV. *And be it also enacted* by the authority aforesaid, That the rector or minister of the said parish shall be, and he is hereby, obliged and required to perform divine service every fifth Sunday at the said chapel, hereby directed to be built at Markey's old field; provided, that on every Easter Sunday, Whit Sunday and Christmas day that the rector or minister of the said parish do perform divine service at the said parish church.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 7th day of April, 1770.*

*Assented to:* WM. BULL.

**AN ACT FOR BUILDING A POWDER MAGAZINE AT HOBCAW POINT, AND** No. 997.  
**ANOTHER ON CHARLESTON NECK, AND FOR OTHER PURPOSES THEREIN**  
**MENTIONED.**

WHEREAS, by the great increase of the inhabitants and buildings in Charlestown, it is become too dangerous to continue the powder magazine in the said town; we therefore pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That the Honorable Rawlins Lowndes, John Rutledge, Henry Laurens, Benjamin Dart, David Olyphant, John Poaug and Miles Brewton, Esquires, be, and they are hereby, appointed commissioners for purchasing a piece of ground at Hobcaw Point, and another on Charlestown Neck, not exceeding four miles distance from the said town, sufficient for building a powder magazine at each of the said places capable of containing forty thousand weight of gun powder, each, and enclosing the same with a substantial brick wall; and that the said commissioners shall, as soon as may be, contract and agree with the owners of the said land for the same, and with some proper person or persons for building and enclosing the said magazines, and causing the same to be done; and that in case the said commissioners and the owners of the said land cannot agree about the value thereof, that it shall be determined by a majority of three persons, one to be chosen by the said commissioners, another by the owners of the said lands, if they will nominate one, and if not, by the said commissioners, and the third by the two persons chosen as aforesaid, and the said land shall thereupon be vested in the public forever.

Commissioners  
appointed to  
purchase sites  
for, and con-  
tract for the  
building of, new  
magazines.

II. *And be it further enacted* by the authority aforesaid, That the magazines at Hobcaw Point and Charlestown Neck shall be under the care of deputy powder receivers, to be appointed for each of the said magazines by the powder receiver for the time being, who shall be answerable for their con-

Magazines to  
be under the  
charge of depu-  
ty receivers.

A.D. 1770.

duct, and give bond to the public treasurer with sufficient security in the penal sum of ten thousand pounds currency for his and their faithful execution of the said offices ; and that the said deputy powder receivers shall reside at or near the magazine for which they are respectively appointed.

III. *And be it further enacted* by the authority aforesaid, That as soon as the said magazines at Hobcaw and Charlestown Neck are finished, the powder receiver, for the time being, shall be allowed from the public of this Province, a salary of four hundred pounds current money, per annum, besides the present emoluments of his office.

IV. *And be it further enacted* by the authority aforesaid, That as soon as the said magazines at Hobcaw and Charlestown Neck are finished, the powder receiver shall cause the powder in the magazine at Charlestown to be removed thither and kept there, and that from thenceforth the said magazine at Charlestown shall no longer be occupied as such.

V. *And be it further enacted* by the authority aforesaid, That persons living in Charlestown shall store their gunpowder, except the quantity which by law they are allowed to keep in their houses, in one or other of the said magazines hereby directed to be built, and that the powder receiver shall be entitled to the same fees for the care thereof, as he is for powder now kept by them in the magazine in Charlestown.

VI. *And be it further enacted* by the authority aforesaid, That whenever there shall be ten thousand pounds weight of public powder in the said magazines, the powder receiver for the time being shall receive from vessels money in lieu of powder, at the rate of six shillings currency for every pound of powder which they may be liable to pay ; and that provision for the expence of purchasing the said land and building the said magazines at Hobcaw and Charlestown Neck, shall be defrayed by the public of this Province ; and the commissioners, or the majority of them, herein appointed for building of the said magazines, are hereby authorized and empowered to draw on the public treasurer for the expence of purchasing lands and building the two magazines aforesaid, and the said public treasurer is hereby required to pay the same out of any monies in the public treasury not exceeding the sum of twelve thousand pounds current money of the said Province.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 7th day of April, 1770.*

*Assented to:* WM. BULL.

No. 998. AN ACT for vesting a ferry from Charlestown to Hobcaw and Scott's ferries, in Andrew Hibben, for the term therein mentioned.

(Passed April 7, 1770. See last volume.)

A. D. 1770.

**AN ACT** FOR REVIVING AND CONTINUING THE SEVERAL ACTS THEREIN MENTIONED, AND FOR REPEALING PART OF THE SEVENTEENTH CLAUSE OF AN ACT COMMONLY CALLED THE GENERAL DUTY ACT, WHICH IMPOSES A DUTY ON ALL MOLASSES IMPORTED INTO THIS PROVINCE.

No. 999.

WHEREAS, several beneficial laws are expired, or near expiring, and it is found necessary to revive and continue the same, we therefore humbly pray his most sacred Majesty that it may be enacted,

Preamble.

1. *And be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That an Act entitled "An Act for taxing transient persons," passed the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine; and also an Act entitled "An Act for reviving and continuing part of an Act of the General Assembly of this Province, entitled an Act for laying buoys and erecting and supporting beacons or land marks near the bar of the harbor of Georgetown Winyaw, and for building and repairing one or more boat or boats to attend the bar of the said harbor, and for the better settling and regulating the pilotage of the said harbor, and for obliging such vessels as go to the said port of Georgetown to pay powder duty, and for appropriating the duties on all goods, wares and merchandizes imported and exported into or out of the port of Georgetown Winyaw, since the expiration of the said Act, to and for the purposes therein mentioned," passed the twenty-fifth day of July, one thousand seven hundred and sixty-one; and an Act entitled "An Act for the better preventing of excessive and deceitful gaming, and to prevent occupiers of licenced public houses and other houses wherein liquors are sold, from suffering apprentices, overseers, journeymen, laborers and servants from gaming therein," passed the nineteenth day of May, one thousand seven hundred and sixty-two; and an Act entitled "An Act for vesting the ferry over Santee river, in the way leading from Charlestown to Williamsburgh, commonly called Murray's ferry, in James Hunter, executor of the last will and testament of Joseph Murray, late of Craven county, planter, deceased, in trust for and to the only use and behoof of James Murray, an infant, only son and heir at law of the said Joseph Murray, his executors, administrators and assigns, for a term of years therein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine—be, and the said before recited Acts are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during, and unto the full end and term of seven years, from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, but with this variation, that instead of the last recited Act entitled "An Act for vesting the ferry over Santee river, in the way leading from Charlestown to Williamsburgh, commonly called Murray's ferry, in James Hunter, executor of the last will and testament of Joseph Murray, late of Craven county, planter, deceased, in trust for, and to the only use and behoof of James Murry, an infant, only son and heir at law of the said Joseph Murray, his executors, administrators and assigns, for a term of years therein mentioned," being vested in James Hunter, it shall be,

Former Acts revived and continued.

A. D. 1770. and the said ferry is hereby, vested in James Murray, his executors, administrators and assigns, for and during the aforesaid term.

II. *And be it also enacted* by the authority aforesaid, That that part of the seventeenth clause of the Act entitled "An Act for the better strengthening of this Province by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize for the use therein mentioned, and for exempting the purchasers of negroes and other slaves imported, from payment of the tax, and the liquors and other goods and merchandize from the duties imposed by any former Act or Acts of the General Assembly of this Province," passed the fourteenth day of June, one thousand seven hundred and fifty-one, which imposes a duty of five pence per gallon on all molasses imported into this Province—be, and the same is hereby declared to be, repealed and made null and void, to all intents and purposes whatsoever.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 7th day of April, 1770.*

*Assented to:* WM. BULL.

No. 1000. AN ACT for repealing an Act entitled "An Act for appointing Commissioners to build a Bridge over the Pond in the Four Hole Swamp, commonly called Gibbes' Pond, and to lay out and make and keep in repair a road to and from the said bridge, as convenient as may be, into the Orangeburgh old road, from the head of the said path leading from Dorchester to Izard's Cow-pen;" and for authorizing and empowering the Board of Commissioners of the Roads for the parish of St. George Dorchester, to lay out and make and keep in repair the road mentioned in the said Act.

(Passed April 7, 1770. *See last volume.*)

No. 1001. AN ACT for establishing a Ferry over Broad river, at the lands of Martin Scheurer; also a Ferry over Saludy river, at the lands of Charles Carsan, and appointing Commissioners to lay out, make and keep in repair several Roads therein mentioned.

(Passed April 7, 1770. *See last volume.*)

No. 1002. AN ACT for vesting a Ferry over Sampit river, from Georgetown to the Road on the opposite shore, leading towards Charlestown, in William Allston, his executors, administrators and assigns, for a term of years.

(Passed April 7, 1770. *See last volume.*)

A. D. 1770.

**AN ORDINANCE TO APPOINT MR. JACOB DEVEAUX COUNTRY No. 1003.**  
**WAITER FOR THE PORT OF BEAUFORT, PORT ROYAL.**

WHEREAS, Mr. Joseph Jenkins, late country waiter for the said port of Beaufort, has resigned;

I. *Be it therefore ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Mr. Jacob Deveaux be, and he is hereby appointed and declared, country waiter for the port of Beaufort, Port Royal, aforesaid, to all intents and purposes whatsoever.

P. MANIGAULT, *Speaker*.

*In the Council Chamber, the 7th day of April, 1770.*

*Assented to:* WM. BULL.

**AN ACT FOR STAMPING AND ISSUING THE SUM OF SEVENTY THOUSAND No. 1004.**  
**POUNDS, FOR DEFRAYING THE EXPENCE OF BUILDING THE SEVERAL**  
**COURT HOUSES AND GOALS APPOINTED TO BE BUILT IN THE SEVERAL**  
**DISTRICTS IN THIS PROVINCE, AND FOR OTHER PURPOSES THEREIN**  
**MENTIONED.**

WHEREAS, by an Act entitled "An Act for establishing courts, building goals, and appointing sheriffs and other officers, for the more convenient administration of justice in this Province," commissioners are therein appointed to agree for and superintend the building of goals and court houses, in the respective districts and precincts where the courts are therein appointed to be holden, and for the purchase of lands in such places, for the erecting the said buildings, as the majority of the respective commissioners shall see fit and most convenient in each respective district and precinct, where the place is not particularly appointed by the said Act; and whereas, it is become absolutely necessary for the carrying on the said buildings as aforesaid, that a sum of money sufficient for the purposes of building the said court houses and goals, and purchasing lands as aforesaid, in order that the said Act may be put into execution, and also for the building a goal in Charlestown, should be immediately issued, we therefore pray his most sacred Majesty that it may be enacted,

*Preamble.*

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That Thomas Smith, Benjamin Elliott, Charles Cotesworth Pinckney, Philip Porcher, Isaac Hayne, James Parsons and John Poaug, Esquires, be and they are hereby appointed commissioners; and they or any five of them are hereby required to procure public orders to be stamped, equal to the sum of seventy thousand pounds current money of this Province, and no more, (that is to say,) seven thousand orders of the denomination of ten pounds; which orders shall be signed

*Commissioners appointed.*

A. D. 1770.

by the said commissioners, or any five of them, and shall have such signatures and devices as the said commissioners or a majority of them shall think fit; and shall be in the words following, (that is to say,)

"SOUTH CAROLINA,

No.

Form of the  
Order.

"This order intitles the bearer to a credit equal to ten pounds in the current money of this Province, and shall be received by the public treasurer in payment of all duties and taxes whatsoever, until the twenty-fifth day of March, one thousand seven hundred and seventy-five, and no longer, according to the Act of the General Assembly, dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand seven hundred and seventy \_\_\_\_\_, in the \_\_\_\_\_ year of his Majesty's reign."

Orders stamped  
to be delivered  
to the public  
treasurer.

II. *And be it also enacted* by the authority aforesaid, That when the said orders shall be so stamped and prepared, they shall be regularly numbered and signed by the said commissioners, or a majority of them, and then delivered into the hands of the public treasurer for the time being, in such sums and proportions, until the whole seventy thousand pounds is delivered, as will answer the draughts or orders in favor of any person or persons, that the commissioners, or a majority of them respectively, who are appointed by the before recited Act for building the court houses and goals, and purchasing lands for erecting the said buildings thereon in the several districts and precincts, and also the draughts or orders of the commissioners hereby nominated and appointed for building the goal in Charlestown, shall draw on the said public treasurer for, relative to the matters aforesaid; and the said treasurer shall accordingly pay the said orders or draughts according to their tenor; and the said stamped orders as aforesaid shall pass in payment of all duties and taxes to the public treasurer, for the value therein expressed, until the said twenty-fifth day of March, one thousand seven hundred and seventy-five, and no longer.

Said Orders to  
be cancelled in  
five years.

III. And whereas, it is judged necessary to sink the said sum of seventy thousand pounds in five years, *Be it therefore enacted* by the authority aforesaid, That the public treasurer of this Province for the time being, shall be and he is hereby required to call in fourteen thousand pounds of the said orders every year, and cancel the same, until the whole be cancelled; and the money levied and payable into the treasury by virtue of an Act entitled "An Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for granting to his Majesty a duty on liquors and other goods and merchandize for the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandize from the duties imposed by any former Act or Acts of the General Assembly of this Province," is hereby appointed and declared to be a fund for that purpose; and the said public treasurer shall carefully retain the said orders so cancelled in his hands, to be burnt and destroyed in the presence of a committee to be appointed for that purpose by the Council and Assembly.

Penalty for  
counterfeiting  
Orders.

IV. *And be it also enacted* by the authority aforesaid, That if any person or persons shall counterfeit, raze or alter any of the public stamped orders issued by virtue of this Act, or shall offer them in payment, knowing the same to be counterfeited, razed or altered, and every person and persons who shall assist, abet, or procure the counterfeiting, razing or altering such orders, being thereof duly convicted, are hereby declared and deemed guilty of felony, and shall suffer death as a felon, without the benefit of the clergy.

V. And whereas, it is absolutely necessary that a convenient and substantial goal should be built in Charlestown, *Be it therefore enacted* by the authority aforesaid, That the commissioners hereinafter named, or a majority of them, shall be, and they are hereby, fully authorized, empowered and directed to contract or agree with any person or persons for the furnishing and providing able and sufficient workmen, and all manner of useful and necessary materials whatsoever, for and towards the erecting, building and finishing the said goal, on some part of the public ground near the work-house in Charlestown, according to the plan and elevation thereof, which is hereunto annexed.

A. D. 1770.

VI. *And be it further enacted* by the authority aforesaid, That the Honorable Rawlins Lowndes, Thomas Smith, John Lloyd, Charles Cotesworth Pinckney and Roger Pinckney, Esquires, be, and they are hereby appointed commissioners for contracting and agreeing with proper persons as aforesaid, and to superintend the management and carrying on the said building, and a substantial brick wall at least twelve feet high, round a yard adjoining the said goal, according to the true intent and meaning of this Act; and in case any of the said commissioners shall die, depart this Province, or refuse to Act, the remaining commissioners for the time being, or the major part of them, shall nominate and appoint, under their hands and seals, another proper person in his place, who shall be a commissioner for building the said goal to all intents and purposes, as if he was herein expressly named.

Jail to be erected in Charlestown.

VII. *And be it further enacted* by the authority aforesaid, That when the said intended goal shall be completely finished according to the directions of the said commissioners for the time being, or a majority of them, the prisoners which shall then be in the custody of the provost marshal, or the sheriff for Charlestown district and precinct, shall be placed therein, and the said goal shall be and is hereby declared to be the common goal for Charlestown district or precinct, any law, usage or custom, to the contrary notwithstanding.

Prisoners to be removed into the new jail.

VIII. And whereas, in and by the first herein recited Act, the places for erecting and building the court houses and goals at Ninety-six, and the Cheraws districts and precincts, are not particularly specified and appointed, *Be it therefore enacted* by the authority aforesaid, That the said court house and goal for ninety-six district and precinct, shall be built within a mile of the place where fort Ninety-six stood; and that the said court house and goal for the Cheraws district and precinct, shall be built at a place called the Long Bluff.

Places for erecting Court Houses and Jails.

IX. *And be it further enacted* by the authority aforesaid, That if any of the commissioners hereby appointed for building the goal in Charlestown, or any person acting under their authority, shall be sued or prosecuted, for any matter or thing done in the execution of this Act, it shall and may be lawful for them or any of them, to plead the general issue, and to read and give this Act and the special matter in evidence to the court and jury; any law, usage or custom, to the contrary notwithstanding.

General issue to be pleaded.

X. And whereas, Dougal Campbell, Esq. clerk of the court of common pleas of the said Province, by his humble petition to the General Assembly, hath set forth, that from the nature of the business of his office in Charlestown, and from the declining state of his health, he despairs of being able to do his duty at the circuit courts in person, or to procure proper persons to attend his duty as deputies, and that fit persons may be more readily induced to execute the offices of clerks of the circuit courts, if they held their commissions as principals from the Governor, and that he is willing and desirous immediately to surrender his right of appointing

Governor to appoint clerks of the pleas.

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clerks of the pleas in the several country districts and precincts, together with all fees, perquisites and emoluments which may arise to the said offices, and hath humbly prayed that a law may be passed for enabling the Lieutenant Governor, or Commander-in-chief of this Province, to appoint clerks of the pleas of the said courts; *Be it therefore enacted* by the authority aforesaid, That as soon as notice by proclamation of the Governor or Commander-in-chief, that the said court houses and prisons are built and completed, it shall and may be lawful for the Governor, Lieutenant Governor or Commander-in-chief of this Province for the time being, to appoint clerks of the pleas in the several districts and precincts out of Charlestown; and that such clerks so appointed, shall have and enjoy all the rights, emoluments, perquisites and privileges within their respective districts and precincts, as the clerk of the court of common pleas, or his deputies, have or ought to have by the said circuit law; any law, usage or custom, to the contrary notwithstanding; provided always, that nothing herein contained shall extend or be construed to extend to affect, or any way diminish the salary of three hundred pounds sterling per annum, provided for the said Dougal Campbell, during his continuance in the office of clerk of the court of common pleas in the said Province.

P. MANIGAULT, *Speaker*.*In the Council Chamber, the 7th day of April, 1770.**Assented to:* WM. BULL.

No. 1005. *AN ORDINANCE* FOR APPOINTING HENRY PERONNEAU AND BENJAMIN DART, ESQUIRES, JOINT PUBLIC TREASURERS OF THIS PROVINCE.

Preamble. WHEREAS, Jacob Motte, Esquire, the late public treasurer, is deceased, and it is necessary that the vacancy occasioned thereby should be filled up,

Two public treasurers appointed. I. *Be it therefore ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That Henry Peronneau and Benjamin Dart, Esquires, be, and they are hereby declared and ordained to be joint public treasurers of this Province, to all intents and purposes whatsoever.

Office of the public treasurer, where kept. II. *And be it also ordained* by the authority aforesaid, That as soon as the new exchange and custom house shall be finished, the office of the public treasurer for the time being, shall be kept in the large room over the guard house, which, together with the two rooms adjoining thereto, shall from thenceforth be and remain for the office of the public treasurers of this Province forever.

Public treasurers to give bonds. III. *And be it further ordained* by the authority aforesaid, That the said Henry Peronneau and Benjamin Dart, and every other public treasurer hereafter to be appointed, shall, before he takes upon him the execution of his office, enter into bonds, of the penal sum in the whole, of forty thousand pounds proclamation money, to his Majesty, his heirs and successors, for the due execution of the said office, and give good security to the

number of five persons or upwards, who shall be approved of by the Governor or Commander-in-chief of this Province, and his Majesty's Council, and shall be bound, each security, for a proportion of the said sum, equal to the number of such securities, and not each for the whole; and that there shall be duplicates of the said bonds, one to be lodged in the secretary's office of the said Province, and the other to remain with the speaker or clerk of the Commons House of Assembly for the time being.

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P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 23d day of February, 1771.*

*Assented to:* WM. BULL.

**AN ACT FOR REGULATING THE INSPECTION AND EXPORTATION OF No. 1006.  
TOBACCO AND FLOUR, AND FOR GRANTING A BOUNTY ON FLOUR.**

WHEREAS, it is necessary to prevent the exportation of tobacco which is not sound, merchantable and well packed; and the granting a bounty upon flour of the manufacture of this Province, equal in goodness and quality to the best flour imported from the northern Colonies, may be a means of bringing that commodity to greater perfection than has hitherto been attained here, we therefore pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That David Deas, John Neufville, John Edwards, Alexander Gillon, William Bamfield, Paul Townsend and Edward Blake, be and they are hereby nominated and appointed commissioners to exercise all the authorities and powers given them in the several parts of this Act; and in case of the death, absence or resignation of any of them, the remaining commissioners or the major part of them shall and may, from time to time, choose and appoint a person or persons, to be commissioner or commissioners, in the room or place of such commissioner or commissioners so dead, gone off, or resigning, which commissioners so chosen and appointed shall have, and they are hereby declared to have, all the same powers and authorities as the commissioners hereinbefore particularly nominated and appointed.

Commissioners appointed.

II. *And be it also enacted* by the authority aforesaid, That public ware-houses for the inspection of tobacco shall be kept at the places hereinafter mentioned, (that is to say,) one in Charlestown; one in Georgetown; one in Beaufort, Port Royal; one on each side of Pedee river; two at the Wateree river, near Camden, one on one side and the other on the other side of the said river; two at the Congarees, one on each side of the said river; and one at Silver Bluff, on Savannah river; and that the commissioners before named, or the major part of them, shall and are hereby required, authorized and empowered to nominate and appoint one or more fit and able persons at each and every of the above recited places, to inspect and examine all such tobacco as shall be brought to them for that purpose; and if any or either of the said inspectors so nominated and appointed, shall be

Public ware-houses established and inspectors appointed.

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rendered incapable, or neglect to execute the said business, or shall misbehave him or themselves therein, or shall happen to die, then and so often, and from time to time, it shall and may be lawful to and for a majority of the said commissioners to supply his or their place by some other fit and capable person or persons; but before the said inspectors hereafter to be appointed as aforesaid, shall do anything in the execution of their said office, they shall each of them take an oath before one of his Majesty's justices of the peace of this Province, for the faithful and impartial discharge of his duty and trust, to the best of his capacity, according to the directions of this Act, and shall further enter into bond with approved securities, for the due execution of the same, in the penal sum of five hundred pounds sterling money of Great Britain; and the owners of the said public ware-houses respectively, in case any tobacco shall be put in their stores, shall be entitled to the sum of three shillings currency, per hogshead, in Charles-town, and two shillings like money, per hogshead, in the country, for the first week, and eighteen pence in town; and one shilling, in the country, for every week afterwards, and no more, to be paid by the owners of the tobacco inspected.

Fees of inspectors.

III. *And be it also enacted* by the authority aforesaid, That the said inspectors shall be allowed and paid for their trouble in viewing, inspecting and branding tobacco brought to them to be inspected, and for granting the certificate hereafter mentioned, if the same shall by this Act be grantable, fifteen shillings current money, per hogshead; and the said keepers of the stores, where the tobacco is to be brought for inspection, respectively, are hereby obliged and required to keep good and sufficient stores, scales, weights and machines for packing and weighing the said tobacco, at their own expence, for all which services they shall be intitled to and receive the sum of fifteen shillings current money, per hogshead.

Regulations for packing tobacco.

IV. *And be it also enacted* by the authority aforesaid, That every hogshead in which tobacco intended for exportation shall be packed, shall be made of dry and well seasoned timber, that hath been hewn three months, and shall be set up with strong and substantial hoops; that the staves shall be four feet and two inches and no more in length, and at least one half of an inch in thickness on the thinnest edge thereof; and that the head on the inside shall be thirty inches in diameter, and no more; and that all tobacco intended for exportation to Europe, shall, before the lading thereof on board of any vessel, be brought packed as aforesaid, to one or other of the said ware-houses, and there viewed, inspected, and thoroughly examined and weighed, by one or other of the inspectors above appointed; and in case it shall be good and merchantable, and unmixed with dirt, sand, stalks, stems, seconds, ground leaves and trash, and packed as aforesaid, the said inspectors shall give a certificate thereof to the person applying for the same; but in case any tobacco so offered for inspection, shall be found fraudulently mixed with dirt, sand, stalks, stems, seconds, ground leaves or trash, or otherwise adulterated, the said inspectors respectively, are hereby enjoined and empowered to seize all the tobacco contained in the hogshead brought for inspection, and such part thereof as shall appear to them to be bad, shall be openly burnt or otherwise destroyed; but that which shall appear to be good and merchantable, shall be publicly sold, and the money arising from such sale shall be paid into the hands of the public treasurers, as a fund towards paying the bounty hereinafter granted on flour, of the produce of this Province; and that in case any tobacco shall be shipped or laden on board any vessel then bound on a voyage from this Province to Europe, without

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such certificate being produced to and lodged with one of the comptrollers of the country duties of this Province, and a sufficient proof on oath, made before him, of the identity of the said tobacco, and of its remaining good and merchantable, unmixed and packed as aforesaid, and a permit granted by him for the lading the said tobacco, which oath he is hereby empowered and required to administer, and which permit he is in such case empowered and required to grant, without fee or reward, the said tobacco shall be forfeited, one half thereof for the use of the officer seizing the same, and the other half to his Majesty, his heirs and successors, to be applied as the General Assembly shall see fit; and the person so lading the same, and the master of the vessel in which it shall be laden without such permit, shall forfeit a penalty of twenty pounds current money each, for every one hundred pounds weight of tobacco so laden, which penalty shall and may be sued for and recovered by action of debt, bill, plaint or information, in any court of record in this Province, by any person or persons whatever, one half thereof for the use of the informer, and the other half to his Majesty, his heirs and successors, to be applied as aforesaid.

V. *And be it further enacted* by the authority aforesaid, That the said commissioners or the major part of them shall, and they are hereby required, authorized and empowered to nominate and appoint inspectors of flour for Charlestown, Beaufort, Port Royal, Georgetown, and any other port of entry that may hereafter be established within this Province; and that a bounty of ten shillings current money for one hundred pounds-weight of flour, of the manufacture of this Province, equal in quality and goodness to the best flour which is made in and imported from any of the northern Colonies, of which the said inspectors or any of them shall be judges.

VI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, an additional duty of five shillings current money shall be imposed, and the same is hereby imposed and laid and shall be paid, over and above the duties heretofore imposed, and shall be raised, sued for, levied and collected by the public treasurers as the general duty Act directs, upon every one hundred pounds weight of flour, of the produce of the plantations, imported into this Province, which duty shall be paid into the hands of the public treasurers, and is hereby appropriated as a fund to pay the bounty hereby granted on flour, of the produce of this Province; and the public treasurers are hereby enjoined to pay the said bounty out of the aforesaid fund, to the person or persons applying for the same, and producing a certificate to the effect above mentioned, from the said inspectors or any of them; provided nevertheless, that the person applying to the said inspectors for such certificate, shall make oath, before them, or any one of them, who are hereby authorized and empowered to administer such oath, that the said flour is wholly of the manufacture of this Province, and that no bounty hath been paid or certificate granted for paying a bounty for the same; which oath and certificate the said inspectors, or one of them, is hereby required to administer and grant; and that the said inspectors shall be allowed and paid for their trouble in examining, inspecting and branding flour brought to them to be inspected, and for granting the said certificate, if the same shall by this Act be grantable, one shilling current money per barrel, and no more, amongst them all, to be paid by the owner of the flour inspected, and that they shall not take or receive any other fee, gratuity or reward, under any pretence whatsoever.

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All persons making flour for sale or export, to produce the same to the inspectors.

VII. *And be it further enacted* by the authority aforesaid, That every person who shall make or cause to be made any wheat flour, intended for sale in Charlestown, Georgetown, Beaufort, or for exportation, shall, and he or she is hereby obliged to, produce the same to the inspectors hereby directed to be appointed, or any of them, and make oath before any one of his Majesty's justices of the peace, or one of the inspectors hereby directed to be appointed, who shall administer such oath without fee or reward, that the said flour is clean and pure, and not mixed with meal of Indian corn, pease, or any other grain or pulse, to the best of his or her knowledge, and that the said flour was made at ——— mill, situate in ——— parish, and ——— county; which oath every justice of the peace, or any one of the said inspectors appointed by virtue of this Act, is hereby impowered and required, upon request of the owner of such flour, to administer as aforesaid, and shall grant a certificate of such oath before him made; and such certificate being produced to the inspectors, or any of them, the said inspector or inspectors to whom such certificate shall be produced shall diligently view and examine the said flour, therein mentioned; and if by him or them found, upon the said inspection, to be clean, pure, unmixed and merchantable, shall brand the same according to its quality.

Mixed or adulterated flour to be forfeited.

VIII. *And be it further enacted* by the authority aforesaid, That if it shall appear to the said inspectors, or any three of them respectively, that any flour which is brought to them for inspection has been fraudulently mixed or adulterated, or if any person shall refuse or neglect to bring his or her flour to be inspected as aforesaid, such flour shall be absolutely forfeited and sold by the inspector or inspectors, and the money arising from such sale shall be paid into the public treasury, in aid of the bounty hereinafter granted on flour.

Inspectors to take an oath.

IX. *And be it further enacted* by the authority aforesaid, That the inspectors shall, before they enter on the execution of their offices, take an oath for the due and faithful and impartial performance of their duty, according to the directions of this Act, before one of the judges of the court of common pleas in Charlestown, or of the circuit court for the district in which such inspectors reside.

Penalty for counterfeiting certificates or brands.

X. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall forge, counterfeit or alter any of the certificates, or counterfeit any brand required by this Act, he, she or they, shall forfeit the sum of five hundred pounds current money, to be recovered and applied as aforesaid, and shall stand in the pillory for two hours.

Inspectors dying, absenting, &c.

XI. *And be it further enacted* by the authority aforesaid, That whenever any of the inspectors hereby directed to be appointed or chosen by virtue of this Act shall die, depart this Province, refuse to act, or remove from the neighbourhood where they resided at the time when they were appointed, it shall and may be lawful for the said commissioners, or a majority of them, and they are hereby required, under the penalty of one hundred pounds current money, each, to be sued for and recovered and appropriated as is hereinbefore directed, to choose and appoint others in his or their stead; which inspectors so chosen and appointed shall have the same powers and authority, and shall take the same oath, as the inspectors hereinbefore directed to be nominated and appointed.

No dealers in tobacco or flour to be inspectors.

XII. *And be it further enacted* by the authority aforesaid, That no person whatever trading or dealing in tobacco shall be appointed an inspector of tobacco; and that no person trading or dealing in flour shall be appointed an inspector of flour, by virtue of this Act.

XIII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and continue in force for the space of five years, and from thence to the end of the then next sessions of the General Assembly, and no longer. A. D. 1771.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 20th day of March, 1771.*

*Assented to:* WM. BULL.

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AN ACT for empowering the Commissioners of the High Roads for the Parish of Prince George to lay out and make a new Causey over Lynch's Island; and to establish a Ferry from the Plantation of John Cogdill, on Waccamaw, to Georgetown, and also to the south side of Sampit River; and for declaring the Road leading from Pocotaligo Bridge to the Nine Mile Post, to be a Public Road; and for continuing the same to Matthews's Bluff, on Savannah River. No. 1007.

(Passed March 20, 1771. *See last volume.*)

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AN ORDINANCE TO APPOINT GEORGE SHEED, Esq. COMMISSARY No. 1008.  
GENERAL OF THIS PROVINCE.

WHEREAS, Benjamin Simons, Esq., the late Commissary General, has resigned the said office, and it is necessary that some fit person should be appointed in his room, pursuant to the directions of the Act of the General Assembly in that case made and provided;

I. *Be it therefore ordained*, by the Hon. William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That George Sheed, Esq. be, and he is hereby declared and ordained to be, Commissary General of this Province, to all intents and purposes whatsoever.

P. MANIGAULT, *Speaker.*

*In the Council Chamber, the 20th day of March, 1771.*

*Assented to:* WM. BULL.

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AN ACT TO REVIVE AND CONTINUE, FOR THE TERM THEREIN LIMITED, No. 1009.  
SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS COLONY.

WHEREAS, several beneficial laws are expired or near expiring; we therefore humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Colony of South Carolina, by and with the advice and consent of his Majesty's Coun-

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cil and the Commons House of Assembly of the said Colony, and by the authority of the same, That an Act entitled "An Act for the better strengthening of this Province, by granting to his Majesty certain taxes and impositions on the purchasers of negroes and other slaves imported, and for appropriating the same to the uses therein mentioned, and for exempting the purchasers of negroes and other slaves imported from payment of the tax, and the liquors and other goods and merchandizes from the duties imposed by any former Act or Acts of the General Assembly of this Province," passed the fourteenth day of June, 1751, (excepting the sixth and seventh clauses of the said Act, which appropriate three fifths of the tax thereby imposed, the appropriation whereof, by an Act passed the twenty-fifth day of July, 1761, is otherwise directed; and also such parts of the thirty-fifth clause as appropriate the sum of fifteen hundred pounds per annum for building a new church in Charlestown, the sum of two hundred pounds per annum for building a parsonage house in the said town, and the sum of two thousand five hundred pounds per annum for building a State House; and also excepting such duties as are imposed on the following goods and commodities imported into this Province, that is to say, upon every barrel of pork imported, two pounds; upon every barrel of beef imported, ten shillings; on timber, plank, boards, staves, shingles, or other lumber, twenty pounds upon the value of every hundred pounds; upon every deer skin, six pence; upon every barrel of pitch, tar and turpentine, one pound; upon every pound weight of indico, one shilling; which said clause is hereby declared to be repealed; and also excepting that part of the said Act which imposes a duty of five pence per gallon on all molasses imported into this Province)—be, and the same is hereby declared to be, revived, continued, and enacted to be of full force and virtue, for and during and unto the full end and term of one whole year from the passing of this Act, and no longer: Also, an Act entitled "An Act to impower certain commissioners therein mentioned to keep clean and in good order and repair the streets of Charlestown, and for establishing other regulations in the said town," passed the tenth day of August, 1764: also, an Act entitled "An Act for regulating and ascertaining the rates of wharfrage of ships and merchandize, and also for ascertaining the rates of storage, in Charlestown," passed the twelfth day of April, 1768: also, an Act entitled "An Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same," passed the twelfth day of April, 1768: also, an Act entitled "An Act for building and keeping in repair a pilot boat to attend the bar and harbour of Beaufort, Port Royal, and for better settling and regulating the pilotage of the said harbour," passed the sixteenth day of May, 1752; and likewise an Act for the same purposes, in case of a deficiency of the duties by the said former Act directed to be applied, passed the nineteenth day of May, 1762: also, the six last clauses of an Act entitled "An Act for preventing as much as may be the spreading of the small pox," passed the tenth day of August, 1764: also, an Act entitled "An Act for the better regulating the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Province," passed the thirteenth day of June, 1747: also, a clause for amending the said Act for the better regulating the militia of this Province, contained in an Act entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province, therein mentioned, and for amending one of the said Acts entitled an Act for the better regulating the militia of this Province, and for repealing the former

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Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Province," passed the fourteenth day of May, 1755: also, an Act entitled "An Act to regulate the price and assize of bread," passed the sixteenth day of March, 1749: also, an Act entitled "An Act for regulating the making of dams or banks for reserving of water, where the same may affect the properties of other persons," passed the twenty-ninth day of March, 1744: also, an Act entitled "An Act for the establishment of a market in the parish of St. Philip, Charlestown, and for preventing ingrossing, forestalling, regrating and unjust exactions in the said town and market," passed the eleventh day of April, 1739: also, an Act entitled "An Act for making more useful Fort Johnson and Fort Frederick, and the several Look-outs that now are or hereafter shall be kept or established near any of the inlets in this Province," passed the fifth day of April, 1740: also, a clause relative to boats passing Fort Lyttleton, contained in an Act entitled "An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, and for amending some of the said Acts in the manner herein mentioned," passed the seventh day of April, 1759: also, an Act entitled "An Act for rendering and making the office of constable more easy and less expensive to the persons appointed," passed the eighth day of March, 1741: also, an Act entitled "An Additional Act to an Act entitled an Act for the better regulating taverns and punch houses," passed the eighth day of March, 1741: also, a clause contained in an Act entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned," passed the seventh day of April, 1759, empowering the Governor or Commander-in-chief of this Province, with the advice and consent of his Majesty's Council, to limit the number of tavern licenses to be granted in this Province, whenever it shall be necessary: also, an Act entitled "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing of the several commodities and merchandize in this Province," passed the seventeenth day of June, 1746: also, an Act entitled "An Act for the better establishing and regulating of patrols in this Province," passed the seventeenth day of June, 1746: also, an Act entitled "An Act for licensing hawkers and pedlers and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, 1737: also, an Act entitled "An Act concerning masters and apprentices," passed the twenty-eighth day of February, 1740: also, an Act entitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," passed the seventh day of May, 1743: also, an Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, 1740, (except such parts of the last above mentioned Act as were repealed, altered or amended by a subsequent Act entitled An Act to prevent the inveigling, stealing and carrying away negroes and other slaves in this Province, and to prevent the carrying away of schooners or pettyaugers,) also for repealing so much of an Act entitled an Act for the better ordering and governing negroes and other slaves in this Province, as relates to the time in which offenders that are apprehended shall be tried, and giving the justices and freeholders a power to postpone the trial of such offenders, passed the eleventh day of May, 1754; and by another Act entitled an additional and explanatory Act to an Act of the General Assembly of this Province entitled an Act for the better ordering and governing negroes and other slaves in this Province, and for continuing such

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part of the said Act as is not altered or amended by this present Act, for the term therein mentioned, passed the seventeenth day of May, 1751 : also, an Act entitled "An Act for appropriating the duties imposed by law on goods, wares and merchandizes imported into and exported out of the port of Beaufort, Port Royal, for the term therein mentioned, towards building and keeping in repair a pilot boat or boats, to attend the bar of the harbour of the said port, and for the better settling and regulating the pilotage of the said harbour, and for appointing a comptroller and receiver of the country duties for the said port, and for obliging all ships and other vessels trading to the said port to pay powder money," passed the sixteenth day of May, 1752, (except such part of the said Act as relates to the appointment of such comptroller and receiver) : also, an Act entitled "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this Province relating to discounts," passed the seventh day of April, 1759 : also, an Act entitled "An Act to restrain and prevent the too frequent sales of goods, wares and merchandizes by public auction or outcry in Charlestown, and for the better regulation of such sales," passed the seventh day of April, 1759 : also, an Act entitled "An Act for preventing as much as may be the spreading of malignant and contagious distempers in this Province, and for repealing the former Acts and paragraphs of Acts heretofore made for that purpose," passed the seventh day of April, 1759 : also, an Act entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Province such part of an Act made in the parliament of Great Britain, in the second year of his present Majesty's reign, entitled an Act for the relief of debtors with respect to the imprisonment of their persons, as is thereafter mentioned, and to repeal the several Acts of Assembly now of force in this Province for the relief of insolvent debtors," passed the seventh day of April, 1759 : also, an Act entitled "An Act for establishing and regulating the Artillery Company, which was formed out of the militia in Charlestown," passed the thirty-first day of July, 1760 : also, an Act entitled "An Act for the establishing, keeping and maintaining a Watch Company, for preserving good orders and regulations in Charlestown," passed the twenty-fifth day of July, 1761 : also, an Act entitled "An Act for appointing commissioners to lay out a road or causey over Lynch's Island, situate in Santee river, and for establishing the ferries therein mentioned," passed the eleventh day of March, 1737, as relates to the ferries established by the said Act : also, an Act entitled "An Act for amending an Act entitled an additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys and cleansing of water passages, in this Province of South Carolina, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, 1751, (except such parts of the same as were repealed, altered or amended in and by two other subsequent Acts, passed the eleventh day of May, 1754, the one entitled an Act for ascertaining the district for cleansing, cutting and keeping in repair the creek or cut commonly called the Hawl-over, and the other entitled an Act appointing commissioners for repairing and keeping in repair the bridge over Combahee river, from the causey to the town of Radnor, and commissioners for rebuilding and keeping in repair the bridge over Wappoo creek, in the parish of St. Andrew, and declaring the said bridge and Hooper's bridge, in the said parish of St. Andrew, to be parish bridges, and appointing commissioners for the said bridge) ; also, an Act entitled "An Act for the better restraining seamen from absenting from

their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, 1751: also, an Act entitled "An Act appointing Charles Garth, Esq. Agent to solicit and transact the affairs of this Province in Great Britain," passed the nineteenth day of May, 1762: also, "An Additional Act to an Act for establishing and maintaining a Watch Company, for preserving good orders and regulations in Charlestown," passed the twenty-third day of August, 1769: also, an Act entitled "An Act for a fish market, and preserving the lamps in Charlestown," passed the seventh day of April, 1770: and also an Act entitled "An Act for the preservation of deer, and to prevent the mischiefs arising from hunting at unseasonable times," passed the twelfth day of August, 1769—be, and they are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during and unto the full end and term of one year from and after the passing of this Act, and from thence to the end of the then next session of the General Assembly, and no longer.

A.D. 1775.

RAWLINS LOWNDES, *Speaker.*

*In the Council Chamber, the 4th day of March, 1775.*

*Assented to:* WM. BULL.


**AN ACT TO PREVENT COUNTERFEITING OF PAPER MONEY OF OTHER COLONIES. No. 1010.**

WHEREAS, the want of a sufficient quantity of circulating specie to answer the purposes of commerce or the exigencies of Government, hath induced this and most others of the British Colonies in America to circulate certain paper notes as the representative of specie, to pass in payments for limited periods, when their redemption is provided for, the counterfeiting of which is usually made felony in the respective Governments where they are emitted; but it is supposed that sundry evil minded persons have lately established presses in our Colony for preparing counterfeits of the paper of others, and by that means such forged paper is thrown into circulation with greater facility and security to the authors thereof, and it being judged reasonable that neighbouring countries having intercourse in trade should provide as far as in them lies against the debasing of their medium of commerce, we therefore pray his most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Colony of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Colony, and by the authority of the same, That if any person or persons shall within this Colony prepare, engrave, stamp or print, or cause or procure to be prepared, engraved, stamped or printed, the counterfeit resemblance of any paper money which now is, or hereafter may be, circulated in payments by legislative authority, in any British Colony or plantation in America, with intention that such counterfeit paper shall be passed in payments, whether the same be so passed or not; or if any person or persons shall in this Colony pay, or tender in payment, any counterfeit money, whether

Penalty for counterfeiting paper money.

A. D. 1775.  the same were counterfeited in this Colony or elsewhere, knowing the same to be forged or counterfeited, every such person, being lawfully convicted, shall be adjudged a felon and shall suffer death without benefit of clergy.

II. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force from and after the passing thereof, for and during the term of five years, and no longer.

RAWLINS LOWNDES, *Speaker.*

*In the Council Chamber, the 4th day of March, 1775.*

*Assented to:* WM. BULL.

No. 1011. *AN ORDINANCE* FOR MAKING DISPOSITION OF MONIES FOR THE SUPPORT OF GOVERNMENT, AND TO ENABLE HIS EXCELLENCY THE PRESIDENT AND COMMANDER-IN-CHIEF OF SOUTH CAROLINA FOR THE TIME BEING, TO EXERCISE CERTAIN POWERS, IN MANNER THEREIN MENTIONED.

Preamble.

WHEREAS, by certain resolutions passed in Congress at Charlestown, in June, November, February and March last past, reference was therein respectively had to the council of safety, and powers of high import were thereby for the public welfare vested in the said council; and whereas, the said council is no longer a part of the Government of this Colony, and in this time of public danger, it is expedient and absolutely necessary that the purport of the said resolutions should, as far as they are applicable to the public service, be carried into execution; and whereas, for the carrying on to the best advantage the defensive war in which this Colony is engaged, large authorities ought necessarily to be lodged in the executive power; wherefore, be it ordained,

Certain powers  
vested in the  
President.

I. *And it is hereby ordained*, by His Excellency, John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That in all those matters and things concerning which, by the said resolutions respectively, application and recourse were directed to be made and had to the said council of safety, such application and recourse touching the premises shall henceforth be made and had to His Excellency the President and Commander-in-chief for the time being, who, with the advice and consent of the Privy Council, is hereby empowered to determine and proceed touching the said premises, as the said council of safety might have determined and proceeded. Provided always, that the said power hereby given shall not be construed to extend to any part of the powers stated in the resolutions passed in Congress on the fourteenth day of June last, relative to the appointment and suspension of officers, and to the direction, regulation, maintenance and ordering of the army, and of all military establishments and arrangements; or to a resolution of Congress passed on the seventeenth day of June last, relative to the strengthening, securing, and defending the Colony; or to any part of an Ordinance passed in Congress on the twenty-sixth day of November last; otherwise, than as shall be hereinafter mentioned.

Proviso.

II. *And be it further ordained* by the authority aforesaid, That His Excellency the President for the time being shall have and possess the supreme command, direction and ordering of, in and over the military

stores and forts, the regular forces by sea and land, and the militia throughout this Colony; and with the advice and consent of the Privy Council, may order any part or parts of the regular troops to act in a neighboring Colony.

A. D. 1776.

III. *And it is further ordained* by the authority aforesaid, That His Excellency the President for the time being, with the advice and consent of the Privy Council, shall, in all cases not to the contrary provided for by the Congress, direct the commissioners of the treasury, relative to the execution of their office; and with the advice and consent aforesaid, he shall issue his warrant upon the treasury for defraying the expences of the civil, military and naval establishments, and for the services of the militia of this Colony; and also for such contingent and necessary expences as the nature of the public service and the security of the Colony may require; and also for the salaries of public officers and clergy respectively, which shall be paid half yearly.

Powers of the President.

IV. *And it is further ordained* by the authority aforesaid, That the commissioners of the treasury shall, out of the public monies, hold a sum not exceeding twenty thousand pounds, as a contingent fund for His Excellency the President for the time being to draw upon, of his own authority, for the public service, and all such draughts upon that fund shall be accounted for to the General Assembly.

The commissioners to hold a contingent fund.

V. *And it is further ordained* by the authority aforesaid, That His Excellency the President for the time being, may order general courts martial, to sit for the trial of any offences done or to be done or committed in or by the regular forces by sea or land, and the whole proceedings of such courts martial shall be laid before His Excellency the President for the time being, who is hereby empowered to pardon the whole or any part of the sentence of any general court martial, or to order the whole or any part of the sentence of any such court martial to be executed; and no sentence of any general court martial shall be executed, without order for so doing first had and obtained from His Excellency the President for the time being; and such offences done or to be done or committed by any field officer in the militia, as heretofore were cognizable before and punishable by the Governor and Council, shall be cognizable before and punishable by His Excellency the President for the time being and the Privy Council; and His Excellency the President for the time being shall have power at any time to suspend any officer in the army navy, or militia, and the officer so suspended shall, as soon as may be, not exceeding forty days, be brought to trial, and if acquitted, the judgment in the case shall be final.

Court martials to be held.

VI. *And it is further ordained* by the authority aforesaid, That His Excellency the President for the time being, with the advice and consent of the Privy Council, shall have power to carry the Acts of Assembly and the resolutions of Congress, relating to the militia, into execution, in as full and ample manner as the Governor and Council or the council of safety might have done.

Powers of the President and Privy Council.

VII. *And be it further ordained* by the authority aforesaid, That in case of the sickness of the President and Commander-in-chief for the time being, or of his absence from Charlestown in other parts of the Colony, the Vice President, being duly authorized by warrant under the hand and seal of the President, shall and may have and exercise the same powers touching the premises hereinbefore mentioned, as are hereby given to or vested in the President.

In case of sickness or absence of President, Vice President to act.

A. D. 1776.

VIII. *And be it further ordained* by the authority aforesaid, That this Ordinance shall continue and be of force to the first day of January next, and no longer.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 6th day of April, 1776.*

*Assented to:* J. RUTLEDGE.

No. 1012. *AN ORDINANCE* FOR ESTABLISHING AN OATH OF OFFICE, TO BE TAKEN IN MANNER THEREIN MENTIONED.

Preamble.

WHEREAS, in and by the Constitution or form of government passed in Congress on the twenty-sixth day of March last, it is provided that all persons who shall be chosen and appointed to any office or to any place of trust, shall, before entering upon office, take the oath of fidelity therein set forth, and also an oath of office; and it being necessary to appoint one form of an oath of office to be taken by all such persons except by His Excellency the President and Commander-in-chief, and the members of the Privy Council, for whom proper oaths of office, respectively, have already been prescribed, and which are hereinafter particularly mentioned; wherefore, be it ordained,

Oath to be taken by State officers.

I. *And it is hereby ordained* by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That all such persons as aforesaid, except the President and Privy Council, shall take the following oath of office: "I, A. B., do solemnly promise and swear, that I will, to the best of my knowledge, in the execution of the office or place of ——— in me vested, faithfully conform to and strictly observe the laws of South Carolina and resolutions of Congress, as established by the said constitution; and that I will, to the best of my skill and power, with justice, administer and discharge the duties of the said office or place of trust."

Oath to be taken by the President.

II. *And be it further ordained* by the authority aforesaid, That the said oath of office taken by His Excellency the President, shall be taken in like manner by all succeeding Presidents and Commanders-in-chief, in the General Assembly if sitting, or, during their recess, in the Privy Council, in the following words: "I, A. B., solemnly promise and swear to preside over the people of this Colony according to the constitution or form of government agreed to and resolved upon by the representatives of South Carolina, on the twenty-sixth day of March, one thousand seven hundred and seventy-six; that I will cause law and justice in mercy to be executed, and to the utmost of my power maintain and defend the laws of God, the Protestant religion, and the liberties of America: So help me God."

Oath to be taken by Privy Counsellors.

III. *And be it further ordained* by the authority aforesaid, That all Privy Counsellors shall take the following oath of office: "I, A. B., solemnly promise and swear, that I will well and faithfully execute the duty of a member of the Privy Council of this Colony, according to the constitution thereof, established by Congress on the twenty-sixth day of March, one thousand seven hundred and seventy-six; and that I will keep

secret all matters and things which shall come to my knowledge as a member of the said Council, the discovery of which may be prejudicial to the liberties of America, or of this Colony, or the secrecy whereof shall be enjoined by the said Council." A. D. 1776.

IV. *And be it further ordained* by the authority aforesaid, That the blank in the said oath of office shall be filled up with words describing the office or place of trust, as the case may be, upon the execution of which the person taking the said oath is about to enter; and the said oath of office and the oath of fidelity mentioned in the said constitution, shall be administered by any justice of the peace, or by any sheriff who shall have taken the said oaths before the Speaker of the General Assembly, or before any justice of the peace or sheriff who shall have been duly qualified before any person who shall have taken such oaths before the said Speaker of the General Assembly. Oaths, how administered.

V. *And be it further ordained* by the authority aforesaid, That all persons not having commissions, who have hitherto been obliged by the Statutes of Great Britain or of this Colony to take the State oaths therein mentioned, as a necessary qualification to the exercising any public office, trust, or profession; all such persons now or hereafter holding and exercising such offices, trust or professions, shall, as a necessary qualification for their continuance to do so, take the aforesaid oaths of fidelity and of office.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 6th day of April, 1776.*

*Assented to: J. RUTLEDGE.*

**AN ACT** TO PUNISH THOSE WHO SHALL COUNTERFEIT OR UTTER, KNOWING THEM TO BE COUNTERFEIT, THE CERTIFICATES ISSUED BY THE LATE HOUSES OF ASSEMBLY, OR THE CONTINENTAL OR COLONIAL CURRENCY, WHICH HATH BEEN ALREADY OR SHALL BE HEREAFTER ISSUED. No. 1013.

WHEREAS, the late Commons Houses of Assembly of this Colony, in order to support the credit and satisfy the creditors of the public, did adjudge it necessary to issue certain notes or certificates for the ascertaining their respective demands, and the said notes or certificates have since passed from hand to hand, and obtained a currency in this Colony; and whereas, the late Colonial Congresses have deemed it expedient for the public service, and for the defence of this Colony, that certificates or bills of credit should be issued for defraying the expence of the unnatural contest into which the despotism of Great Britain hath involved the good people thereof, and for other necessary public services; and whereas, the continental Congress hath also thought fit to issue their notes, orders, certificates or bills of credit for certain purposes, and the same have obtained a currency throughout the United Colonies; and whereas, it might materially wound the credit and prejudice the interest of America in general, and of this Colony in particular, if the said notes, orders, certificates or bills of credit, issued by the authority of the said late Commons Houses of Assembly, or late Congresses of this Colony, or of the continental Congress, should be counterfeited, razed or altered;

Preamble.

A. D. 1776.

Penalty on  
counterfeiting  
certificates or  
bills of credit.

*I. Be it enacted* by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That any person or persons who shall counterfeit, raze or alter any of the said notes or certificates, issued, as aforesaid, by the late Commons Houses of Assembly of this Colony, or any of the said certificates or bills of credit issued, or to be issued under the authority of the late Congresses of this Colony, or any of the notes, orders, certificates or bills of credit issued, or which shall be hereafter issued by the continental Congress, or shall utter or offer them, or either or any of them, in payment, knowing the same to be counterfeited, razed or altered, and every person and persons who shall assist, abet, or procure the counterfeiting, razing or altering any or either of the notes, certificates, orders or bills of credit abovementioned, being thereof duly convicted, is and are hereby declared and deemed guilty of felony, and shall suffer death as a felon, without the benefit of clergy.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of April, 1776.*

*Assented to:* J. RUTLEDGE.

**No. 1014. AN ACT FOR THE MORE EFFECTUAL PREVENTION OF THE DESERTION OF THE SOLDIERS AND SAILORS IN THE SERVICE OF THIS COLONY, AND FOR THE PUNISHMENT OF THOSE WHO SHALL HARBOUR AND CONCEAL THEM, OR WHO SHALL PURCHASE, RECEIVE OR CONCEAL THE ARMS, CLOTHES OR ACCOUTREMENTS OF DESERTERS.**

Preamble.

WHEREAS, the interests of this Colony may be prejudiced by the desertion of any of the soldiers and sailors in the service thereof, inasmuch as the publick may not only be defrauded thereby of the bounty money given on the enlistment of such soldiers and sailors, but may be deprived of that service which they might justly expect from them, on account of the time and pains taken to train them, the clothing, pay and rations allowed them, and the glorious cause they are engaged in; and the militia, on account of such desertion, may be obliged to be draughted more frequently and in greater numbers than they otherwise would be, to the great expense, fatigue and trouble of the freeholders and good people of this Colony; and whereas, the said desertions may be much encouraged by the said soldiers and sailors being harboured and concealed by divers persons in different parts of the country; now, for the effectual prevention of such desertions, and for the apprehending those who may desert from the army or navy, in the service of this Colony, and for the punishment of such person or persons who shall harbour or conceal any soldier or sailor who shall absent himself from his regiment, troop, company or vessel, without leave first had and obtained from the officer or officers duly authorized to grant the same, or who shall desert therefrom,

*I. Be it enacted*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That all and every person and

persons who, at any time after the passing of this Act, shall knowingly or wittingly harbour or conceal any soldier or sailor belonging to any regular regiment, troop, company or vessel in the service of this Colony, who shall be absent therefrom without a furlough or permit, signed by a field officer of the regiment, or captain of the troop, company or vessel to which he belongs, shall forfeit for every such offence the sum of twenty pounds current money to the person or persons who shall inform and sue for the same; and the said penalty may be recovered, levied and distrained for, by warrant from any one justice of the peace of the district where the offence shall be committed.

A.D. 1776.

Penalty on  
concealing  
deserters.

II. *And be it further enacted* by the authority aforesaid, That every free white person within this Colony shall be, and is hereby, impowered and required to apprehend and secure any soldier or sailor that he shall know to be a deserter, or who shall not have such permit or furlough, as above mentioned.

Any free white  
person may ap-  
prehend desert-  
ers.

III. *And be it further enacted* by the authority aforesaid, That every person who shall apprehend and secure any deserter or fugitive soldier or sailor, and shall bring or cause him to be brought to the regiment, troop, company or vessel to which he belongs, shall receive, as a reward for the same, fifty pounds current money, and two shillings and six pence like money, in full of mileage, for every mile from the place where he takes to the place where he delivers such soldier or sailor, and also in full of diet and all other charges, to be paid by the commanding officer of the regiment, troop, company, detachment or vessel to which such deserter shall belong; and such officer shall be reimbursed for the same out of the public treasury of this Colony.

Reward for  
their apprehen-  
sion.

IV. *And be it further enacted* by the authority aforesaid, That every person keeping a ferry within this Colony, who shall wilfully transport or suffer to be transported any soldier or sailor not having such permit or furlough as before mentioned, shall forfeit and pay the sum of twenty pounds current money for every such offence, to him or them who shall inform and sue for the same; the said penalty to be sued for and recovered as aforesaid, before any justice of the peace in the district where the offender shall reside.

Soldiers and  
sailors not to  
cross ferries  
without a  
permit.

V. *And be it further enacted* by the authority aforesaid, That all and every person and persons who shall knowingly and wittingly buy, receive or conceal the arms, accoutrements or clothing of any soldier or sailor in the service of this Colony, shall forfeit for every such offence the sum of fifty pounds current money, one moiety to the publick of this Colony, and the other moiety to him or them who shall sue for the same; the said penalty to be sued for and recovered before any two justices of the peace, in the district where the offender shall reside.

No person shall  
buy or conceal  
any arms, ac-  
countrements or  
clothing of sol-  
diers or sailors.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term of one year, and to the end of the then next session of the General Assembly, and no longer; and shall be deemed a publick Act, and shall be taken notice of, without pleading the same, by all judges, justices, magistrates and courts within this Colony.

Limitation of  
this Act.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of April, 1776.*

*Assented to:* J. RUTLEDGE.

A. D. 1776.

No. 1015. AN ACT to increase the number of Fire Masters in Charlestown, and to empower any three of them to pull down any such houses or other buildings as they shall adjudge necessary for the stopping and preventing the spreading of fire; and for altering and repealing such parts of an Act as is therein mentioned.

(Passed April 9, 1776. See last volume.)

No. 1016. AN ORDINANCE TO REPEAL PART OF AN ORDINANCE OF THE GENERAL ASSEMBLY, PASSED THE 23d DAY OF FEBRUARY, 1771, APPOINTING HENRY PERONNEAU AND BENJAMIN DART, ESQS. JOINT PUBLIC TREASURERS, AND TO APPOINT COMMISSIONERS TO TAKE A STATE OF THE TREASURY; AND ALSO TO EMPOWER THE SAID COMMISSIONERS TO SETTLE THE ACCOUNTS OF THE LATE POWDER RECEIVER.

Preamble. WHEREAS, by an Ordinance of the General Assembly, passed the twenty-third day of February, one thousand seven hundred and seventy-one, Henry Peronneau and Benjamin Dart, Esqs. are thereby declared and ordained to be joint public treasurers of this Colony, to all intents and purposes whatsoever; and whereas, it is expedient and necessary to repeal the said Ordinance;

Part of a former Ordinance repealed. I. *Be it therefore ordained*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of the said Colony, and by the authority of the same, That that part of the said Ordinance by which Henry Peronneau and Benjamin Dart, Esqs. are appointed joint public treasurers of this Colony, be, and the same is hereby, repealed, and declared to be null and void, to all intents and purposes whatsoever.

Commissioners of the treasury appointed. Their powers and duties. II. *And be it further ordained* by the authority aforesaid, That Gideon Dupout, Roger Smith and George Abbott Hall, Esqs. be, and are hereby appointed, commissioners, and authorized and empowered to examine and audit all accounts and reckonings whatsoever with the said Henry Peronneau and Benjamin Dart, as treasurers aforesaid, and respecting the treasury in this Colony, so far as relates to the transactions of them, the said Henry Peronneau and Benjamin Dart, and to demand and receive from the said Henry Peronneau and Benjamin Dart, Esqs., all the monies and securities for money that shall be in their hands, power or possession, as treasurers, and also the books of accounts belonging to the treasury; and after examination and auditing of such accounts, and receiving such monies and securities for money, and books, as aforesaid, the said commissioners are hereby directed and enjoined to pay and deliver into the hands of the commissioners of the treasury, or of one of them, all such monies, securities for money, and books, and also to make a return and report of the state of such accounts, and of the said monies, securities for money, and books, to the General Assembly of this Colony then sitting or next to sit; which General Assembly, or any other General Assembly, upon its appearing to them that the said Henry Peronneau and Benjamin Dart have duly and fully discharged their trust, shall have power, and they are hereby authorized and empowered, to order and direct the bonds and securities given by

the said Henry Peronneau and Benjamin Dart respectively, for the due execution of their office, to be delivered up and cancelled. A.D. 1776.

III. *And be it further ordained* by the authority aforesaid, That the said Gideon Dupont, Roger Smith and George Abbott Hall, Esqs. be, and they are hereby appointed, commissioners, and authorized and impowered to examine and audit all accounts and reckonings with James Reid, Esq. as the late powder receiver of this Colony, and to demand and receive from the said James Reid, all the monies and securities for money that shall be in his hands, power or possession, as powder receiver; and after examination and auditing of such accounts and receiving such monies and securities for money, the said commissioners are hereby directed and enjoined to make a return and report of the state of such accounts, and of the said monies, securities for money, and books, to the General Assembly of this Colony then sitting or next to sit, and to pay the monies which they shall so receive into the treasury of this Colony.

Commissioners to examine and audit the accounts of the late powder receiver.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of April, 1776.*

*Assented to :* J. RUTLEDGE.

**AN ACT TO PREVENT SEDITION, AND PUNISH INSURGENTS AND DISTURBERS OF THE PUBLIC PEACE. No. 1017.**

WHEREAS, a horrid and unnatural war is now carried on by the Ministry and Parliament of Great Britain against the United Colonies of North America in general, and this Colony in particular, with a cruel and oppressive design of robbing the Colonies and good people of this Colony of their dearest and most valuable rights as freemen, and reducing them to a state of the most abject slavery and oppression; and whereas, also, in order further to accomplish the said impious and unwarrantable designs, every means has been adopted, by a wicked Administration, to sow civil dissensions and animosities, and to create disorder, confusion and bloodshed amongst the good people of this Colony, by employing secret emissaries to stir up in the minds of wicked and evil-disposed persons, persuasions and principles inimical to the ties of humanity and the common rights of mankind, and thereby inducing them not only to disturb the common peace, safety and good order of this Colony, but to take up arms and spill the blood of their fellow-citizens, who are only acting in the defence of their lives, liberties and properties, against the murderous hands of a lawless and despotick power; to the intent, therefore, and in order the more effectually to preserve and secure the peace, order and good government of this Colony, and to deter and prevent such evil-minded persons from committing such offences, and all such other offences declared in this Act, to the great danger of the lives, liberties and properties of the inhabitants of this Colony,

Preamble.

I. *Be it enacted*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That if any person or persons within this Colony do or shall, from and immediately after the passing of this Act,

A. D. 1776.

Persons taking up arms, or causing others to do so, against the Colonial Government, deemed guilty of felony.

take up arms with a hostile intent, and by force and violence, or by words, deeds or writing, or any other means whatsoever, cause, induce or persuade, or attempt to cause, induce or persuade, any other person or persons with such hostile intent to take up arms, and by force and violence to oppose and subvert the authority of the Government of this Colony, established by the Constitution agreed on and confirmed in Congress at Charlestown, on the twenty-sixth day of March, one thousand seven hundred and seventy-six; or to wound, maim or kill any person or persons, or destroy any of the houses, goods or chattels of any such person or persons who shall, under and by virtue of any authority of the said Government, be acting in support and defence of the same, or the execution of any power, authority or office derived therefrom, all and every of such person or persons, and the aider and abettor or aiders and abettors of such person or persons, so offending in either of the offences aforesaid, shall, on being indicted and convicted of the same by due course of law, be deemed and adjudged guilty of felony, and suffer death, without benefit of clergy.

Giving intelligence to or holding intercourse with the enemy, declared felony.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons within this Colony shall, immediately after the passing of this Act, or at any time thereafter, by letter, writing, message, or other means of intelligence, hold any correspondence or intercourse, conspire or concert, in any manner whatever, with, or aid or abet any land or naval force, raised or to be raised, or which shall be sent by Great Britain in a hostile manner against this Colony, or any other force or body of men within this Colony, who shall, in a hostile intent or manner, oppose the power and authority of the present Government of this Colony, established as aforesaid, with intent to promote the accomplishment of any hostile plan of operation designed by such force or forces, against the lives, liberties or properties of all or any of the inhabitants and friends to the constitution of this Colony, established as aforesaid, every such person or persons so offending in any of the said offences, shall, on being indicted and convicted thereof by due course of law, be deemed and adjudged guilty of felony, and suffer death, without benefit of clergy.

Supplying the enemy with bills of exchange, provisions, &c. felony.

III. *And be it enacted* by the authority aforesaid, That if any person or persons within this Colony shall, immediately after the passing of this Act, or at any time thereafter, furnish or supply, or cause or procure to be furnished or supplied, with any bills of exchange, monies, goods, provisions, liquors or other necessary articles of subsistence, or any military or naval stores whatever, any of the land or naval forces, raised or to be raised or sent by Great Britain, or any authority derived from that Government, against this Colony, or shall, in like manner, furnish or supply, or cause to be furnished or supplied, any force or body of men who shall, in a hostile manner, oppose the Government of this Colony, established as aforesaid, every such person or persons so offending in either of the offences aforesaid, and the aider and abettor, or aiders and abettors of any of the said offences, shall, on being indicted and convicted thereof by due course of law, be deemed and adjudged guilty of felony, and suffer death, without benefit of clergy.

Exciting any person to co-operate with the enemy, deemed felony.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons within this Colony shall, at any time after the passing of this Act, compel, induce, persuade, or attempt to compel, induce or persuade, any white person or persons, or any free negro or negroes, mulatto or mulattos, Indian or Indians, to desert from their habitation or habitations, or any negro or other slave or slaves to desert from his

or their master, mistress or owner, and to join any land or naval force, raised or to be raised or sent by Great Britain, or any authority derived from that Government, against the United Colonies of America, or this Colony, or to join any person or persons armed in a hostile manner, with intent to oppose or subvert the Government of this Colony, established as aforesaid, or with intent of killing any person or persons, or destroying his, her or their goods or property, who shall be acting, or ready and willing to act, in support and defence of such Government, or any of the inhabitants of this Colony and friends to the same, every such person or persons so offending in any of the above offences, and all such as shall aid and abet the said offender or offenders in the perpetration and execution of any of the said offences, shall, on conviction thereof, by due course of law, be deemed and adjudged guilty of felony, and shall suffer death, without benefit of clergy. Provided always, nevertheless, that nothing in this Act contained shall be construed or taken to prevent the good people of this Colony from arming of slaves or negroes, for the better defence of this Colony, against all enemies whatsoever, who shall invade or attack the same, or endanger the safety thereof. A. D. 1776.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons within this Colony shall, immediately after the passing of this Act, or at any time thereafter, collect or assemble with any body or assembly of persons, or cause or procure them to be so collected and assembled, with intent, in a riotous and seditious manner, to disturb the publick peace and tranquillity and the good order of the Government, and, by words or otherwise, to create and raise traitorous seditions or discontents in the minds of the good people of this Colony, against the authority of the present Government, established as aforesaid, every such person or persons so offending in any of the said offences shall, on conviction thereof, by due course of law, be deemed and adjudged guilty of felony. Assembling to disturb the peace or raise seditions, Felony.

VI. *And be it further enacted* by the authority aforesaid, That the lands and tenements, goods and chattels, and other real and personal estate, of all such person or persons, who shall be duly convicted, by virtue of this Act, of any of the crimes and offences thereby made felony, shall, within one month after such conviction, by the sheriff of each district respectively in which such real or personal estate of the person or persons so convicted, or any part thereof, shall be found, with three freeholders of the said district, be appraised upon oath, and the said appraisement duly returned by the said sheriff of such district to the Secretary's office, in Charlestown, within one month after such appraisement made; and the said sheriff of such district, in which the appraisement is made as aforesaid, shall, within one month thereafter, expose such estate, so appraised, to public sale, first giving twenty-one days public notice of the sale; and shall, within three months after such sale, deposit the amount of the same, deducting legal poundage and charges, in the office of the colony treasury, in Charlestown; and the commissioners of the colony treasury, or any one of them, on receipt of such monies from the sheriff, as aforesaid, shall give a receipt or voucher for the same. Estates of offenders to be forfeited, appraised, sold by sheriff, and deposited in the treasury.

VII. *And be it further enacted* by the authority aforesaid, That if any sheriff or sheriffs, for any of the districts in this Colony, shall in any wise transgress, or disobey or neglect the putting in execution any of the provisions or clauses in this Act, respecting their duty and office, every sheriff so offending, disobeying or neglecting the same, shall forfeit his office, and incur the penalty of one thousand pounds current money, to be sued for and recovered by bill or plaint, in any court of record in this Colony, Penalty on sheriffs not executing this Act.

A.D. 1776. wherein no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Monies arising from the sale of estates, appropriated as a reprisal fund.

VIII. *And be it further enacted* by the authority aforesaid, That the monies arising from the sale of all such estates as shall become forfeited by virtue of this Act, shall be appropriated for a fund, and become a reprisal fund, for reimbursing all such losses and damages which have been or shall be sustained by any person or persons who have been, are, or shall be, engaged in opposition to the oppressive measures of the British Ministry, or the defence of the present established Constitution and the liberties of this Colony.

Method of obtaining reimbursement from this fund.

IX. *And be it further enacted* by the authority aforesaid, That no person or persons shall be reimbursed, by virtue of this Act, for any losses or damages sustained from persons acting in open hostility against the present constitution of government and the liberties of this Colony, unless the said reimbursement be, on application and oath made of the damages actually sustained, deemed just and reasonable, by the General Assembly of this Colony, or such other body or persons as the legislative body of this Colony shall appoint. Provided always, nevertheless, that such person or persons, to whom such reimbursement shall be thought reasonable, do first, before the receipt thereof, take and subscribe the oath of fidelity ordained in the present constitution, if such person or persons had not before taken and subscribed the same.

Appropriation of fines and penalties.

X. *And be it further enacted* by the authority aforesaid, That the fines and penalties to be incurred by virtue of this Act shall, upon recovery thereof, be paid into the colony treasury, to be applied to and for such uses and purposes as are hereinbefore mentioned.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 11th day of April, 1776.*

*Assented to: J. RUTLEDGE.*

No. 1018. *AN ORDINANCE* TO ASCERTAIN THE DUTIES OF A MUSTER MASTER GENERAL OF THE LAND AND NAVAL FORCES IN THE SERVICE OF THIS COLONY.

Preamble.

WHEREAS, it is thought expedient to appoint a Muster Master General for the land and naval forces in the service of this Colony, and it is necessary that the duties of his office should be ascertained and fixed;

Duty of the Muster Master General.

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the Colony of South Carolina, and by the honorable the Legislative Council and General Assembly of this Colony, and by the authority of the same, That the Muster Master General, or his deputy, shall muster each respective regiment, independent company and detachment of the regular forces of this Colony, and each ship's crew in the service thereof, not less than once in every three months, nor oftener than once in every month, at the times he shall think most proper, he giving previous notice of such muster to the commanding officer of each regiment, independent company, detachment, and vessel; provided always, that the Muster Master General shall be particularly

careful not to appoint such musters at times when it may be prejudicial to the service ; and that if the President for the time being should think proper to fix the time or times for such muster, they shall be held according to his appointment, so that they be not made less than once in three months, or oftener than once in a month. A. D. 1776.

II. *And be it further ordained* by the authority aforesaid, That if any of the officers, non-commissioned officers, or privates, shall be absent at the time of holding the said muster, the muster master general or his deputy shall enquire and notify the cause of such absence on the roll, and shall be obliged to close the muster roll at the place and on the day of holding such muster. Officers and privates absenting from muster.

III. *And be it further ordained* by the authority aforesaid, That the commanding officer of each regiment, independent company, and vessel, shall, once in every month, make a special return of the state of his regiment, independent company, or ship's crew, to the muster master general, and shall therein specify where the men are stationed ; and the commissary general shall furnish the said muster master general, once a month, with an account of the quantity of rations drawn by each regiment and independent company ; and the commissary for the naval department shall also furnish him, once a month, with an account of the quantity of provisions drawn by each ship's crew ; and if the muster master general shall find that more rations or provisions have been drawn than what were necessary, he shall report the same forthwith to the President for the time being. Commanding officers of the land and naval forces to make returns.

IV. *And be it further ordained* by the authority aforesaid, That the muster master general, or his deputy, shall muster every detachment of militia that shall be draughted to Charlestown, or sent upon duty in any part of this colony. Militia muster.

V. *And be it further ordained* by the authority aforesaid, That the muster master general, or his deputy, shall, at least once in every three months, return, upon oath, to the President for the time being, the state of the army and navy, as well with regard to the number of men, as with regard to their arms and accoutrements. Muster master general to make returns to the president.

VI. *And be it further ordained* by the authority aforesaid, That the muster master general shall be appointed by the Legislative Council and Assembly, jointly, by ballot, but that he may be removed or suspended by the President for the time being for mal-practice or neglect of duty, he being first allowed to make his defence before the President ; and the President for the time being is hereby impowered and authorized to appoint a muster master general, on such suspension or removal, in his stead, during the recess and until the meeting of the Legislative Council and General Assembly. Muster master general to be appointed by the Council and Assembly.

VII. *And be it further ordained* by the authority aforesaid, That the muster master general shall be allowed a daily pay of four pounds ten shillings, and two rations ; and his deputy, to be appointed by himself and approved by the President for the time being, a daily pay of two pounds and fifteen shillings, and two rations. His pay and rations.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 11th day of April, 1776.*

*Assented to:* J. RUTLEDGE.

A. D. 1776.

- No. 1019.** AN ACT to impower the Court of Admiralty to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants of Great Britain, Ireland, the British West Indies, Nova Scotia, East and West Florida; to establish the trial by jury, in the Court of Admiralty, in cases of capture; and for the other purposes therein mentioned.

(Passed April 11, 1776. The original not now to be found.)

- No. 1020.** AN ACT TO REVIVE AND CONTINUE, FOR THE TIME THEREIN MENTIONED, THE SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS COLONY THEREIN PARTICULARLY MENTIONED, AND TO APPROPRIATE CERTAIN PENALTIES, AND TO CONFIRM THE POWERS OF COMMISSIONERS OF ROADS, PATHS, BRIDGES, CREEKS, CAUSEYS AND WATER PASSAGES.

Preamble.


WHEREAS, several salutary and beneficial laws of this Colony are now expired or very near expiring, and it is found necessary and expedient for the public welfare to revive and continue the same;

Former Acts revived and continued.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the Colony of South Carolina, and by the Legislative Council and General Assembly of the said Colony, and by the authority of the same, That the several Acts and Clauses of Acts of the General Assembly of this Colony, hereinafter particularly mentioned, are hereby declared to be revived, continued, and enacted to be of full force and virtue, for and during the time hereinafter limited and expressly declared for the same, (that is to say) an Act of the General Assembly, entitled "An Act for licensing hawkers, pedlars, and petty-chapmen, and to prevent their trading with indented servants, overseers, negroes, and other slaves," passed in the General Assembly, on the eleventh day of March, one thousand seven hundred and thirty-seven: also, an Act entitled "An Act for the establishing of a market in the parish of St. Philip Charlestown, and to prevent engrossing, forestalling, regrating and unjust exactions in the said town and market," passed on the eleventh day of April, one thousand seven hundred and thirty-nine: also, an Act entitled "An Act for making more useful Fort Johnson and Fort Frederick, and the several look-outs that now are or shall hereafter be kept or established near any of the inlets in this Colony," passed the fifth day of April, one thousand seven hundred and forty, (with this alteration, that inasmuch as Fort Frederick has long been dismantled, and another fort, called Fort Lytleton, built near Beaufort, and now garrisoned, in the service of the Colony, that the commanding officer of the said Fort Lytleton for the time being shall have and exercise the same powers and authorities that are given, in and by the said recited Act, to the commander of the said Fort Frederick): also, "An Act for the better ordering and governing negroes and other slaves in this Colony," passed the tenth day of May, one thousand seven hundred and forty; provided nevertheless, that such parts and clauses of the said last mentioned Act be hereby excepted, and not continued or enforced, as are altered or repealed by an Act of the General Assembly, passed the eleventh day of May, one thousand seven hundred and fifty-four, for

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preventing the stealing of negroes, or by an additional and explanatory Act to the same, passed the seventeenth day of May, one thousand seven hundred and fifty-one: also, "An Act concerning masters and apprentices," passed the twenty-eighth day of February, one thousand seven hundred and forty: also, "An Act for rendering and making the office of constable more easy and less expensive to the persons appointed," passed the eighth day of March, one thousand seven hundred and forty-one: also, an Act entitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves, and for reviving and continuing an Act of the General Assembly of this Province, entitled An Act for the better ordering and governing negroes and other slaves in this Province," passed the seventh day of May, one thousand seven hundred and forty-three: also, "An Act for regulating the making of dams or banks for reserving water, where the same may affect the properties of other persons," passed the twenty-ninth day of May, one thousand seven hundred and forty-four: also, "An Act to prevent frauds and deceits in selling rice, pitch, tar, rozin, turpentine, beef, pork, shingles, staves and firewood, and to regulate the weighing of the several commodities and merchandize in this Colony," passed the seventeenth day of June, one thousand seven hundred and forty-six, except such parts or clauses of the said Act as are repealed by an Act passed the twelfth day of April, one thousand seven hundred and sixty eight, entitled An Act for regulating and ascertaining the rate of wharfage of ships and merchandize, and also ascertaining the rates of storage in Charlestown: also, "An Act for the better regulating the militia of this Colony, and for repealing the former Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Colony," passed the thirteenth day of June, one thousand seven hundred and forty-seven: (excepting such parts and clauses of the said Act as are repealed, amended or altered by an Act passed the fourteenth day of May, one thousand seven hundred and fifty-five:) also, such clauses and parts of an Act for amending an Act entitled "An additional and explanatory Act to an Act to empower the several commissioners of the high roads and private paths, bridges, creeks, causeys, and cleansing of water passages in this Province, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, one thousand seven hundred and fifty-one, as were revived for seven years, by the revival Act passed on the twelfth day of April, one thousand seven hundred and sixty-eight: also, "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, one thousand seven hundred and fifty-one: also, "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this Colony relating to discounts," passed the seventh day of April, one thousand seven hundred and fifty-one; also, an Act passed on the seventh day of April, one thousand seven hundred and fifty-nine, entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose of putting in force and effectually carrying into execution in this Colony, such part of an Act made in the Parliament of Great Britain in the second year of his present Majesty's reign, entitled an Act for the relief of debtors, with respect to the imprisonment of their persons, as is hereinafter mentioned, and to repeal the several Acts of Assembly now of force in this Colony,

A. D. 1776.  for relief of insolvent debtors:" also, "An Act for establishing and regulating the Artillery Company which was formed out of the militia of Charlestown," which Act was passed the thirty-first day of July, one thousand seven hundred and sixty: also, "An Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same," passed the twelfth day of April, one thousand seven hundred and sixty-eight: also, "An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown:" also, "An Act for the preservation of deer, and to prevent the mischiefs arising from hunting at unseasonable times," passed the twenty-third day of August, one thousand seven hundred and sixty-nine: also, "An Act for a fish market, and for preserving the lamps in Charlestown," passed the seventh day of April, one thousand seven hundred and seventy: also, such parts and clauses of an Act entitled "An Act for appointing commissioners to lay out a road or causeway over Lynch's Island, situate in Santee river, and for establishing ferries therein," passed the eleventh day of March, one thousand seven hundred and thirty-seven, as respects the establishment of the ferries therein mentioned: also, an additional Act to an Act entitled "An Act for the better regulation of taverns and punch houses," passed the eighth day of March, one thousand seven hundred and forty-one: also, "An Act for the better establishing and regulating the patrols in this Colony," passed the seventeenth day of June, one thousand seven hundred and forty-six: also, "An Act for regulating the assize of bread," passed the sixteenth day of March, one thousand seven hundred and forty-nine: also, such parts and clauses of an Act entitled "An Act for reviving and continuing several Acts of the General Assembly of this Province therein mentioned, and for amending one of the said Acts entitled An Act for the better regulation of the militia of this Province, and for repealing the former Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Province," passed the fourteenth day of May, one thousand seven hundred and fifty-five, as respects the amending the militia law of this Colony: also, such clauses and parts of an Act entitled "An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, and for amending some of the said Acts in manner herein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine, as respects boats passing of Fort Lyttleton, and the empowering of the Governor and Council to limit the number of tavern licenses.

II. *And be it further enacted* by the authority aforesaid, That all and singular the Acts and clauses of Acts herein before particularly mentioned and referred to, (excepting such as are hereinbefore particularly excepted) and which are not contrary to any resolution or resolutions of the Continental Congress, or the Congress of this Colony, be, and they are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during, and until the first day of January, one thousand seven hundred and seventy-seven, and from thence to the end of the next sessions of the General Assembly of this Colony.

III. *And be it further enacted* by the authority aforesaid, That where by any clause or paragraph contained in any of the Acts or clauses of Acts hereinbefore particularly mentioned, and hereby revived and continued, as well as in all other Acts of Assembly, or statutes which are of force in this Colony, any penalty or sum of money thereby made and enacted, and the same directed to be paid to the use of his Majesty the King of Great Britain,

that all such penalties or sums of money which shall hereafter be inflicted under and by virtue of such Acts or clauses of Acts herein beforementioned, or by such other Acts and statutes as aforesaid, shall, and they are hereby directed to be paid to the commissioners of the treasury of this Colony, and to be subject to the disposal of the Legislative body of this Colony.

A. D. 1776.

IV. *And be it further enacted* by the authority aforesaid, That where in any of the said Acts or statutes any power or authority is given, or duty enjoined, to the Governor, or any of his Majesty's justices of the peace, constables, or to any other officers, that in all such cases his Excellency the President for the time being, and the justices, constables and other officers respectively, appointed or to be appointed under the present constitution of this Colony, shall have full power and authority to exercise all and every such powers and authorities, and to do and perform the several matters and things, in the said Acts and statutes respectively required or enjoined.

V. *And be it further enacted* by the authority aforesaid, That all commissioners of high-roads and private roads, or paths, bridges, creeks, causeys, or for cleansing of water passages in this Colony, or for altering, laying out, cleansing or amending the same, who have hitherto been appointed by virtue of any Act or clause or clauses of any Act or Acts of the General Assembly now in force, or any such as are revived by this Act, or by appointment of any Governor of this Colony, hitherto, or by election in any parish or district in this Colony, or by any resolution of Congress, or who may hereafter be appointed by the President and Commander-in-chief of this Colony for the time being, with the advice and consent of the Privy Council, shall have and exercise as full and ample powers and authorities, to all intents and purposes whatsoever, as any commissioners of high-roads or private roads, paths, bridges, creeks, causeys, or water passages whatever have hitherto had, enjoyed or exercised by virtue of any law or laws, resolution or resolutions of Congress heretofore made for that purpose.

VI. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners nominated or appointed as aforesaid shall refuse or neglect to act, all and every such commissioner who shall so refuse to act or neglect his duty, shall forfeit and pay the sum of one hundred pounds current money, to be sued for and recovered against the said commissioners or commissioner, jointly or separately, at the election of the prosecutor; one half to be applied to the use of this Government, and the other half to him or them who shall sue for the same.

G. G. POWELL, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 11th day of April, 1776.*

*Assented to:* J. RUTLEDGE.

AN ORDINANCE for altering the time of holding the ensuing Circuit No. 1021.  
Courts and the Courts of Common Pleas and General Sessions in  
Charlestown; and for other purposes therein mentioned.

(Passed April 11, 1776. See last volume.)

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No. 1022. *AN ORDINANCE* FOR APPOINTING COMMISSIONERS FOR SELLING CERTAIN EAST INDIA TEAS, IMPORTED INTO THE STATE OF SOUTH CAROLINA FROM GREAT BRITAIN, AND FOR APPLYING THE MONIES ARISING THEREFROM TO THE USE OF THE SAID STATE.

Preamble.

WHEREAS, the East India Company of Great Britain, under the authority of a British Act of Parliament, have imported into the State of South Carolina divers quantities of East India tea, for the express purpose of raising a revenue in the said State, without the consent of the good people thereof; and whereas, by a resolution of the honorable the Continental Congress, all East India teas are absolutely prohibited from being imported into any of the United States of America, and such as had been imported before the time mentioned in the said resolution, were permitted to be sold; and whereas, the teas now in this State, belonging to the East India Company, were imported prior to the said resolution, and as by the sale thereof a considerable sum of money may be raised and applied towards defraying the expenses incurred by this State in repelling the hostile attempts of Great Britain: therefore, be it ordained,

Tea imported  
by the East  
India Company  
declared forfeit.

I. *And it is hereby ordained*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after the passing this Ordinance, all East India teas which have been imported into this State by the said East India Company, and which were intended to be made liable to a duty payable in this State, for the purpose of raising a revenue therein, shall become, and are hereby declared to be, forfeited to the use of the said State.

Commissioners  
appointed for  
the sale of said  
tea.

II. *And be it further ordained* by the authority aforesaid, That Captain Roger Smith, Captain Peter Leger, Mr. William Greenwood and George Abbott Hall, Esq., they, or any three of them, shall be commissioners for the selling of, and they, or any three of them, are hereby authorized, empowered and required, to sell, at reasonable prices, to be fixed by them, in lots, not exceeding twelve pounds weight, all East India teas, imported as aforesaid into this State from Great Britain, by the said East India Company; and the monies arising from such sale shall be paid into the treasury of the said State, to and for the use thereof.

Commissioners  
to give public  
notice of such  
sales.

III. *And be it further ordained*, That the said commissioners shall give ten days public notice of the time and place when and where they shall begin to dispose of the said teas; and that they shall be entitled to a commission of five pounds per cent., in full for their trouble, and in full for all other expenses incident to the selling of the said teas. Provided always, that in case any loss shall arise, by bad debts or otherwise, in the sale thereof, that then the said commissioners shall make good the same out of their own private fortunes.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 27th day of September, 1776.*

*Assented to:* J. RUTLEDGE.

A. D. 1776.

No. 1023.

**AN ACT FOR ESTABLISHING A BOARD OF COMMISSIONERS TO SUPERINTEND AND DIRECT THE NAVAL AFFAIRS OF THE STATE OF SOUTH CAROLINA.**

WHEREAS, the naval preparations of the State of South Carolina may be carried on with greater expedition, and success if proper persons are appointed, particularly to superintend and direct the same, Preamble.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That Edward Blake, Thomas Savage, Josiah Smith, jr. Thomas Corbett, Roger Smith, George Abbot Hall and George Smith, Esquires, shall be, and they are hereby, appointed and declared a board of commissioners for the purposes hereinafter mentioned; and that the said board shall, as soon as possible, assemble at such convenient time and place in Charlestown, as may be appointed by the person first named of the said board; and being so assembled, and having taken an oath, to be administered to the member first named by any two other members thereof, and afterwards by him to the rest of the board, well and faithfully to execute the duties of his or their office, shall proceed to the election of a person to preside over the board, who shall be called first commissioner of the navy of the State of South Carolina; and the board shall also appoint a clerk, who shall likewise be sworn before his services, shall receive a salary of fourteen hundred pounds currency, per annum; and that the duty and business of the said clerk shall not only be to keep regular accounts and journals of all transactions relating to the said board, but shall also be obliged, once in every three months, or oftener if found necessary, to go on board the several ships and other vessels of war in the service of this State, and shall then and there take an exact account of the several officers and seamen on board the said vessels, and shall then also pay off the wages due them respectively, taking proper receipts for the money so paid, and which are to be returned in ten days thereafter to the said board, attested upon oath by said clerk; and the said board shall have power to adjourn from time to time, and to such place or places as they, or a majority of them, shall think fit and convenient; and if any exigency should require an immediate meeting of the board, the first commissioner, and in case of his absence, any other member of the board, may convene the same and proceed to business, in the same manner as if such meeting had been holden at the time to which it was adjourned. Provided always, that a majority of the board shall have full power and authority to enter upon and execute the duties to the said commissioners by this Act assigned; and in case of the death, sickness or absence of the first commissioner, may choose any other member of the board to preside pro tempore. And the said commissioners, and each of them, are hereby required and commanded to cause an Act, passed the ninth day of April, one thousand seven hundred and seventy-six, entitled "An Act for the more effectual prevention of the desertion of the soldiers and sailors in the service of this State, and for the punishment of those who shall harbour and conceal them, or who shall purchase, receive or conceal the arms, clothes or accoutrements of deserters," to be duly and fully executed, in all respects whatsoever, so far as the said Act relates to sailors voluntarily entering

A board of  
naval commis-  
sioners appoin-  
ted.

Commissioners  
to take an oath.

A clerk to be  
appointed.

Powers and  
duties of the  
commissioners.

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into the service of this State; and the said commissioners, and each of them, are hereby also further required and commanded to cause certain rules and articles for the government of the navy of South Carolina, established by Congress, on the twenty-fifth day of March, one thousand seven hundred and seventy-six, to be duly observed.

Duties of the  
board of com-  
missioners.

II. *And be it further enacted* by the authority aforesaid, That the business of the said board of commissioners shall be to superintend and direct the building, buying or hiring of all vessels whatsoever, that shall be directed to be built, bought or hired by the legislative authority of this State, or the President and Privy Council for the time being, during the recess of the General Assembly, whether such as are employed for the immediate annoyance of the enemy, or for the transporting merchandize on account of the State, as for the expediting or transporting troops over rivers, or conveying stores or materials for any of the out-posts or garrisons of the State; also to direct the outfits of the same, and the furnishing them with necessary ordnance, victualling, provisions and naval stores; and, under the direction and authority aforesaid, to erect public ropewalks and ship-yards, to contract with workmen, builders or other persons for these purposes, to provide quantities of timber for ship building.

To audit all  
accounts, nom-  
inate officers,  
&c.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall audit and pass all accounts of the expenditure of money, howsoever incurred, in the naval department; recommend fit and proper persons to the Legislative Council and General Assembly, and during their recess to the President, to fill vacancies in the navy or marine, who, when approved of, are to be commissioned by the President for the time being; inform themselves of the state of the navy, as often as possible, by requiring proper returns from the officers thereof; draw warrants upon the treasury for the sums of money necessary for the purposes aforesaid; keep an accurate account thereof, and cause all their proceedings to be fairly recorded, and hold them in readiness to be laid before the legislative council and General Assembly, when thereto required. And the said commissioners, or a majority of them, shall, with the concurrence of the President and Privy Council, have power to remove absolutely or suspend any officer in the naval department, for neglect of duty or misbehaviour; any law, resolution, rule or article of Congress to the contrary thereof in any wise notwithstanding.

And regulate  
all matters ap-  
pertaining to  
the navy.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority to superintend and direct all matters and things whatsoever to the navy of this State in any wise relating. Provided always, that nothing herein contained shall be construed to empower the said commissioners, or any of them, to alter or make void any contract heretofore made by the President, with the advice of the Privy Council, with any person or persons whatsoever, for building of ships or other vessels for the use of this State.

Commissioners  
dying, &c.

V. *And be it further enacted* by the authority aforesaid, That in case of the death, removing from the State, or refusing to act, of any of the said commissioners, that then another or others shall be appointed, in his or their place or places, by the Legislative Council and General Assembly, if sitting, jointly, by ballot, or, in their recess, by the President, with the concurrence of the Privy Council for the time being; and the commissioners so named shall have all the powers and authority of those hereinbefore first mentioned.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for and during the term and space of two years from the passing thereof. A. D. 1776.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 8th day of October, 1776.*

*Assented to :* J. RUTLEDGE.

**AN ORDINANCE FOR PROVIDING JURIES FOR BEAUFORT DISTRICT, AT No. 1024.  
THE NEXT NOVEMBER COURTS.**

WHEREAS, at the late courts of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, and Common Pleas, holden at Beaufort, for the district of Beaufort, on the sixth day of May last, a grand jury and petit jury for the said court of General Sessions of the Peace, and a jury for the said Court of Common Pleas, to be holden respectively on the thirtieth day of November next, were not then drawn as usual; and whereas, it is necessary, in order to have legal juries at the said courts respectively, to be holden at Beaufort in November next, as aforesaid, that authority be given as is hereinafter mentioned;

I. *Be it therefore ordained*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all and singular the jurors and juries summoned to attend the Court of General Sessions and the Court of Common Pleas, at Beaufort, for the district of Beaufort, in May last, shall, on receiving a special notice from the sheriff of the said district for that purpose, duly attend and serve as jurors at the said court of Sessions and court of Common Pleas, to be holden at Beaufort, on the thirtieth day of November next, under such pains and penalties as are mentioned and prescribed in the Jury Act, and the Act for establishing circuit courts. And all and singular the said jurors are hereby fully authorized, empowered and required to sit and act as jurors in the said courts respectively; and their verdicts are to be deemed and taken, and are hereby declared to be, legal and valid, to all intents and purposes, and in as full and effectual a manner as if the said jurors had been duly summoned, according to the directions and in manner as declared by the several Acts of Assembly in such case heretofore made.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 8th day of October, 1776.*

*Assented to :* J. RUTLEDGE.

A. D. 1776.

No. 1025. AN ORDINANCE to direct the manner of procuring Negroes to be employed in the publick service.

(Passed October 9th, 1776. See last volume.)

No. 1026. AN ACT ESTABLISHING A PROPER OATH OF QUALIFICATION TO BE TAKEN BY THE MEMBERS OF THE GENERAL ASSEMBLY; DIRECTING THE METHOD OF CHOOSING PAROCHIAL AND DISTRICT COMMITTEES; FOR AUTHORIZING THE RETURNING OFFICERS OF THE PARISH OF ST. DAVID TO HOLD THEIR ELECTIONS ONE DAY AT THE CHURCH AND ONE DAY AT THE COURT HOUSE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the independency of this State hath rendered it absolutely necessary to change the form of the oaths prescribed by the Election Act to be taken by the members of the General Assembly;

Part of the former Election Act repealed.

I. *Be it enacted*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of this State, and by the authority of the same, That the eighth, ninth and nineteenth clauses of an Act of the General Assembly, entitled "An Act to ascertain the manner and form of electing members to represent the inhabitants of this State in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen members of the said House," be, and they are hereby repealed, and declared to be null and void.

Qualifications of members of Assembly.

II. *And be it further enacted* by the authority aforesaid, That every person who shall be elected and returned, as is directed by the Constitution and the said Election Act, to serve as a member of the General Assembly of this State, shall be qualified as followeth: he shall be a free white man, professing the Protestant religion, and a subject of this State, that hath attained to the age of twenty-one years, and hath been resident in this State for twelve months before the time of his election, and having in this State a settled plantation or freehold, in his own right, of at least five hundred acres of land and ten slaves, or has, in his own proper person and in his own right, to the value of one thousand pounds in houses, buildings, town lots or other lands, in any part of this State, over and above the amount of his just debts.

Oath to be taken by Members of Assembly.

III. *And be it further enacted* by the authority aforesaid, That any of the justices of peace of this State, returned to serve as a member of the said General Assembly, shall read over to the rest of the members returned to serve in the said House, before they be admitted to sit as such, the last mentioned qualifying clause; and then each member, before he be admitted to sit as such in the said House, shall take the following oath or affirmation: "I, A. B., do sincerely swear or affirm (as the case may be) according to the form of my profession, that I am duly qualified to be chosen and serve as a member of the General Assembly of this State for the parish or district of ———, according to the true intent and meaning of the Constitution, agreed on the twenty-sixth day of March, one thousand seven hundred and seventy-six, and this Act: So help me God."

IV. And whereas, the great extent of the parish of St. David's, renders it exceedingly inconvenient for all the inhabitants thereof to attend the election at the parish church, and it would greatly conduce to their ease if the election was held one day at the court house in the said parish, and the other day at the parish church thereof; *Be it therefore further enacted* by the authority aforesaid, That the returning officers of the said parish of St. David's shall be, and they are hereby, authorized and required to hold the election for members for the said parish on the first day of election at the court house, and the second day of the election at the church, within the said parish; and in every other particular strictly adhere to and follow the directions of the Constitution and Election Act respecting the election of members; of which alteration in the election for the said parish the returning officers shall give immediate notice to the inhabitants thereof.

A. D. 1776.

Elections in the parish of Saint David, how to be held.

V. *And be it further enacted* by the authority aforesaid, That neither the members of the General Assembly, churchwardens, vestrymen, justices of the peace, nor any other officers within this State, shall hereafter be obliged to take the oaths heretofore commonly called the State oaths, or make and subscribe the declaration prescribed or directed to be made by any Acts of the General Assembly of this State, by any such officers, antecedent to the present Constitution or form of government; but instead thereof, the members of the General Assembly respectively, at the time of their taking the oath of qualification aforesaid, shall, before the same justice of the peace, take the following oath or affirmation of fidelity to this State, viz: "I, A. B., do swear or affirm that I will, to the utmost of my power, support, maintain and defend the constitution of South Carolina, as established by Congress, on the twenty-sixth day of March, one thousand seven hundred and seventy-six, until the legislative authority of this State shall determine otherwise."

Members of the General Assembly, &c. to take the oath of fidelity.

VI. *And be it further enacted* by the authority aforesaid, That all churchwardens or other persons, who shall hereafter manage the elections for members to represent the several parishes or districts respectively within this State, shall, and they are hereby authorized and empowered, before they receive the vote from any elector, who they suspect and believe has not taken the oath of fidelity to this State, administer the same to all and every such elector or electors; and in case he or they shall refuse to take the said oath, he or they shall not be permitted to give his or their vote.

The oath of fidelity may be administered to electors.

VII. *And be it further enacted* by the authority aforesaid, That on the particular days appointed by law for electing members of the General Assembly, by the constitution of this State, there shall also be elected and chosen by ballot, in the same manner as is directed and appointed for the election of representatives, parochial and district committees for the several parishes and districts in this State; which said committees respectively shall consist of the like number of members as have been heretofore chosen and appointed in the several parishes and districts respectively; and the churchwardens of the several parishes and districts respectively, and the persons appointed to manage elections where there are no churchwardens, at the same time they make a return to the General Assembly of the members chosen and elected to serve in General Assembly, shall also make return of the members elected and chosen for committees throughout the State, respectively; and the said committees respectively shall do and perform the several matters and things enjoined and required of them by any order now in force of the continental or provincial congresses, or which may hereafter be enjoined or required of them by any order of the Continental Congress or Act of Assembly of this State.

Parochial and district committees to be chosen.

A. D. 1776.

Number of the  
committee for  
a quorum.

VIII. *And be it further enacted* by the authority aforesaid, That any three or more of the members of the committee, respectively, shall have power and authority, at any of their stated meetings, to proceed to business, and do all such things as are or shall be required of them, agreeable to such resolutions and laws as aforesaid; except the committee for Charlestown, whose number for doing business shall not be less than seven.

An oath to be  
taken by the  
committees.

IX. *And be it further enacted* by the authority aforesaid, That the several members chosen of the committees throughout this State shall, within one month after their election, take an oath, before some justice of the peace, duly, faithfully and impartially to execute the duty of their offices, to the best of their judgment, without favour or affection.

Vacancies, how  
to be filled.

X. *And be it further enacted* by the authority aforesaid, That if any person chosen to be a member of any committee shall refuse to act, die, or leave the parish or district for which he is chosen, the rest of the members of the committee of such parish or district, or a majority of them, shall choose another in his or their room, who shall have the like powers and authorities with any other members of the committees, and continue in office until the next general election.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 12th day of October, 1776.*

*Assented to:* J. RUTLEDGE.

No. 1027. AN ACT for establishing, keeping and maintaining three Watch Companies in Charlestown.

(Passed October 18, 1776. *See last volume.*)

No. 1028. AN ORDINANCE FOR ALLOWING AND KEEPING IN REPAIR A PILOT BOAT TO ATTEND THE BAR AND HARBOUR OF BEAUFORT, PORT ROYAL, AND FOR SETTLING AND REGULATING THE PILOTAGE OF THE SAID HARBOUR.

Preamble.

WHEREAS, from the present circumstances of America, the small number of vessels trading to the port of Beaufort, Port Royal, are not sufficient to encourage a pilot or pilots to furnish themselves with a pilot boat for the use of the bar and harbour thereof; and the want of such pilot boat and pilot or pilots may greatly delay and endanger vessels bound to the said port, or arriving off the said bar, to the great discouragement of trade and injury of the inhabitants in those parts; wherefore,

Commissioners  
of pilotage  
appointed.

I. *Be it ordained* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the several persons hereafter named be, and they are hereby appointed, commissioners to carry into execution the several matters in this Ordinance directed, viz: Daniel De Saussure, John Joiner, Esqs., Messieurs John Grayson, Thomas

Hughes and John Kean; any three of whom are hereby declared to be a quorum; which said commissioners are hereby authorized, impowered and required to build or purchase a pilot boat, to attend the said bar and harbour of Beaufort, and to keep the same in good and sufficient repair. A. D. 1776.

II. *And be it further ordained* by the authority aforesaid, That the said commissioners, or any three of them, are hereby impowered and required to nominate such fit and competent person or persons to act as pilot or pilots, for the conducting of vessels inward to or outward from the said port of Beaufort, as they shall judge proper; and every master of any ship or vessel, for the consideration of the pilotage of such ship or vessel, inward to or outward from the said port, shall pay to the said pilot, who shall take charge of the same, the following rates, viz: for six feet of water, inwards or outwards, three pounds fifteen shillings; for seven feet, five pounds; for eight, six pounds five shillings; for nine, seven pounds ten shillings; for ten, eight pounds fifteen shillings; for eleven, ten pounds; for twelve, eleven pounds five shillings; for twelve and an half, twelve pounds ten shillings; for thirteen, thirteen pounds fifteen shillings; for thirteen and an half, fifteen pounds; for fourteen, sixteen pounds five shillings; for fourteen and an half, seventeen pounds ten shillings; for fifteen, eighteen pounds fifteen shillings; for sixteen, twenty-five pounds; for seventeen, thirty-one pounds; for eighteen, thirty-seven pounds ten shillings; for nineteen, forty-five pounds; for twenty, sixty-five pounds fifteen shillings, current money of the said State: Provided, that no decked pet-tauger or coasting boat, coming or going coastwise, shall be obliged to pay any pilotage. Commissioners to appoint a pilot or pilots.  
Fees for pilot-  
age.

III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the said commissioners, or any three of them, immediately after the ratification of this Ordinance, to draw upon or receive from the public treasurers, who are hereby authorized and required to pay the same, any sum not exceeding three thousand pounds currency, for the building and fitting out or purchasing the said pilot boat; and the said treasurers are hereby also authorized and required, on application, to pay to the said commissioners, or any three of them, in half yearly payments, the sum of one thousand pounds currency per annum, as a salary for the pilot, and a sum not exceeding two hundred pounds currency per annum, for keeping the said pilot boat in repair. Appropriation for a pilot boat and pay of the pilot.

IV. *And be it further ordained* by the authority aforesaid, That in case any of the said commissioners should happen to die, depart from this State, or refuse to act, his Excellency the President or Commander-in-chief for the time being, shall have power to nominate and appoint another commissioner, in the room of him who shall so die, depart this State, or refuse to act; and such commissioner, so appointed, shall have the same powers and authorities, in all respects, as those particularly named in this Ordinance. Commissioners dying, refusing to act, &c.

V. *And be it further ordained* by the authority aforesaid, That this Ordinance shall be of force for the term of two years from the time of passing thereof, and no longer. Limitation.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 18th day of October, 1776.*

*Assented to: J. RUTLEDGE.*

A. D. 1776.

**No. 1029. AN ORDINANCE FOR APPOINTING COMMISSIONERS TO STAMP AND SIGN ONE HUNDRED AND THIRTY THOUSAND POUNDS CURRENCY, IN DOLLARS, AND FOR IMPOWERING THE PRESIDENT AND COMMANDER-IN-CHIEF FOR THE TIME BEING, WITH THE ADVICE OF THE PRIVY COUNCIL, TO BORROW ON LOAN ANY SUM OR SUMS NOT EXCEEDING FIVE HUNDRED THOUSAND POUNDS CURRENCY, AT THE RATE OF SIX POUNDS LIKE MONEY PER CENTUM PER ANNUM.**

Commissioners  
appointed to  
issue bills.

I. *Be it ordained*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the same, That Maurice Simmons, Peter Bocquet, William Scott, jr., Anthony Toomer, Keating Simmons, John Berwick and Benjamin Elliott, Esqs., be, and they are hereby, appointed Commissioners, with all possible despatch to stamp, and any two of them and any one of the commissioners of the treasury (who is to number the said bills) to sign, one hundred and thirty thousand pounds currency, in bills of the following denomination, in dollars: that is to say, five thousand bills of one dollar each, two thousand five hundred bills of two dollars each, two thousand five hundred bills of four dollars each, two thousand five hundred bills of six dollars each, two thousand five hundred bills of eight dollars each, and two thousand five hundred bills of ten dollars each; and the said bills shall be in the following form, and with such devices as the commissioners or a majority of them shall think fit viz:

*South Carolina* — This bill entitles the bearer to receive ———  
Form of bills. dollar or dollars (as the case may be) of the value of ———, current money, which will be provided for by this State, according to an Ordinance of the General Assembly, passed the nineteenth day of October, in the year of our Lord one thousand seven hundred and seventy-six."

Said bills to be  
a legal tender. And the said bills are hereby declared to be a tender in law in all payments whatsoever; and the said commissioners shall from time to time deliver the said bills, as soon as they shall be stamped and signed, into the public treasury, for the use of this State.

Penalty for  
counterfeiting  
said bills. II. *And be it further ordained* by the authority aforesaid, That any person or persons who shall forge, counterfeit or alter, or utter, knowing them to be forged, counterfeited or altered, any of the said bills, shall, upon being duly convicted thereof, be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

President to  
contract for a  
loan. III. *And be it further ordained* by the authority aforesaid, That the President and Commander-in-chief for the time being, by and with the advice and consent of the Privy Council, shall be, and he is hereby, authorized and empowered to take upon loan, for the use of this State, any sum or sums of money not exceeding five hundred thousand pounds current money of this State, from any person or persons, company or body corporate, willing to lend the same or any part thereof, and for such time or times as they shall agree for, on interest, at the rate of six pounds like money per centum per annum, for the repayment whereof, with the above mentioned interest, the said public treasury shall be liable, and the faith of this State is hereby pledged.

THOS. SHUBRICK, *Speaker of the Legislative Council.*

JAS. PARSONS, *Speaker of the General Assembly.*

*In the Council Chamber, the 19th day of October, 1776.*

*Assented to:* J. RUFLEDGE.

A.D. 1776.

No. 1030.

**AN ACT FOR APPOINTING COMMISSIONERS TO PRINT OR STAMP AND SIGN BILLS TO THE AMOUNT AND VALUE OF THREE HUNDRED AND EIGHT THOUSAND, SPANISH MILLED DOLLARS, IMMEDIATELY, AND FOR PRINTING OR STAMPING AND SIGNING ANOTHER SUM, TO THE AMOUNT AND VALUE OF THREE HUNDRED AND SEVEN THOUSAND THREE HUNDRED EIGHTY-FOUR SPANISH MILLED DOLLARS, IN FOUR MONTHS, IF THE SAME OR THE VALUE THEREOF CANNOT BE BORROWED BY THE COMMISSIONERS OF THE TREASURY BY THAT TIME.**

WHEREAS, the General Assembly of this State, for the defence thereof at this alarming crisis of public affairs, have unanimously resolved to give and grant, for the use of the State, the sum of six hundred and fifteen thousand three hundred and eighty-four Spanish milled dollars, and to lodge the same in the public treasury,

Preamble.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the Honorable the Legislative Council, and by the General Assembly of the said State; and by the authority of the same, That Messrs. William Ancrum, John McCall, Joshua Ward, Nathaniel Russell, Edward Lightwood, William Greenwood, James Wakefield, John Dart, jr. William Price, John Webb, Thomas Jones, James Fisher, George Cook and Peter Timothy be, and they are hereby, appointed commissioners, with all possible dispatch to print or stamp, and any three of them, and any one of the commissioners of the treasury (who is to number the said bills) to sign, bills to the amount and value of three hundred and eight thousand Spanish milled dollars, of the following denominations, (that is to say) two thousand of twenty dollars, ten thousand of eight dollars, ten thousand of six dollars, five thousand of five dollars, ten thousand of four dollars, ten thousand of three dollars, ten thousand of two dollars and thirteen thousand of one dollar; and the said bills shall be in the form following, (that is to say)

Commissioners appointed to issue bills.

"*South Carolina* — This bill entitles the bearer to receive ——— Spanish milled dollar or dollars, as the case may be, or the value thereof in gold or silver, according to An Act of the General Assembly, passed at Charlestown, the ——— day of ——— one thousand seven hundred and seventy-six. Which said bills shall have such devices as the Commissioners before mentioned, or a majority of them, shall think proper.

Form of said bills.

II. *And be it further enacted* by the authority aforesaid, That the said Commissioners, or one of them, shall regularly attend the press at all times when the impressions of the said bills are making, and shall see all and every the letter press forms properly secured, or keep the plates for printing or stamping the said bills, in safe custody, at all other times, to prevent any impressions thereof being made in the absence of the said Commissioners; and when the said sum of three hundred and eight thousand dollars shall be printed or stamped as aforesaid, the said letter press forms shall be distributed in the presence of the Commissioner or Commissioners attending the press as aforesaid, or the said plates shall be returned into the treasury of this State.

Commissioners to oversee the printing of said bills.

III. *And be it further enacted* by the authority aforesaid, That the said Commissioners of the Treasury shall have full power and authority, and are hereby duly authorized and empowered, to take up upon loan, for the use of this State, the sum of three hundred and seven thousand three hun-

Commissioners empowered to contract for a loan.

A. D. 1776.

dred and eighty-four dollars, at the rate of thirty-two shillings and sixpence currency each, or the value thereof, in any money current in this State, or any part thereof, from any person or persons, company or body corporate, willing to lend the same or any part thereof, on interest, at the rate of seven per centum for every year; for the repayment whereof, with the abovementioned interest, and sinking the bills stamped and issued by virtue of this Act, within the space of ten years, the said public treasury shall be liable, and the faith of the State is hereby pledged; Provided nevertheless, that if the said Commissioners of the Treasury cannot, within four months from the passing of this Act, procure the said loan of the said sum of three hundred and seven thousand three hundred and eighty four dollars, that then and in such case it shall and may be lawful for the said Commissioners before named, for printing or stamping the sum of three hundred and eight thousand dollars as aforesaid, and they are hereby authorized and required, with all possible dispatch, to print or stamp, and any three of them and any one of the Commissioners of the treasury (who is to number the said bills) to sign, another sum of three hundred and seven thousand three hundred and eighty-four dollars, or such part of the said sum as cannot be procured on a loan by the Commissioners of the treasury as aforesaid, in bills of the same denominations as heretofore directed to be printed or stamped, immediately after the passing of this Act, and of the same tenour and form.

Proviso.

Bills to be a legal tender.

IV. *And be it further enacted* by the authority aforesaid, That all and every the bills which shall be printed or stamped, signed and issued under and by virtue of this Act, shall be, and are hereby declared to be, a tender in law in all payments whatsoever.

Bills to be issued in case a loan cannot be procured.

V. *And be it further enacted* by the authority aforesaid, That if it should be found necessary to print or stamp and sign the said last mentioned sum of three hundred and seven thousand three hundred and eighty-four dollars, as aforesaid, or any part thereof, if the said Commissioners of the treasury cannot procure the same on a loan as aforesaid, that then the Commissioners herein before named for printing or stamping and signing the sum of three hundred and eight thousand dollars, shall print or cause to be printed the further sum of three hundred and seven thousand three hundred and eighty-four dollars, or such part thereof as cannot be borrowed as aforesaid; or the said Commissioners of the treasury shall deliver to the said Commissioners appointed by this Act, the plate or plates for stamping the said sum of money, and which is by this Act directed to be delivered into the treasury after the printing or stamping of the first sum of three hundred and eight thousand dollars, according to this Act.

Commissioners to oversee printing bills.

VI. *And be it further enacted* by the authority aforesaid, That the Commissioners herein before named and appointed by this Act, or one of them, shall regularly attend the press at all times when any impressions are making of the bills to be printed or stamped for the said sum of three hundred and seven thousand three hundred and eighty-four dollars, or any part thereof which the said Commissioners of the treasury may not procure on a loan as aforesaid, and shall properly secure or keep in safe custody all and every the letter press forms or plates for stamping the said bills, at all other times, to prevent any impressions thereof being made in the absence of the said Commissioners; and as soon as the said last mentioned sum of three hundred and seven thousand three hundred and eighty-four dollars, or any part thereof which cannot be procured by the Commissioners of the treasury on loans as aforesaid, shall be printed or stamped, shall see the letter press forms

broken and distributed, or deliver the said plates for stamping the same into the custody of the said Commissioners of the treasury. A. D. 1777.

VII. *And be it further enacted* by the authority aforesaid, That for each sum of money lent to the public upon this Act, the Commissioners of the treasury shall give to the lender a certificate, specifying the lenders' names, and extending to his executors, administrators or assigns, the sum lent, the time when lent, when to be paid, and the rate of interest, which said certificate shall be transferable by a short memorandum on the back thereof, under the hand and seal of the owner of the said certificate, in the presence of one or more witnesses. Commissioners to give certificates.

VIII. *And be it further enacted* by the authority aforesaid, That the Commissioners of the treasury shall not give any certificate for a less sum than one thousand pounds currency. No certificate to be issued for less than £1000.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons whosoever shall forge, counterfeit or utter any bill or bills to be printed or stamped, signed and issued by virtue of this Act, or any certificate or certificates for monies borrowed as aforesaid by virtue of this Act, or any assignment or transfer thereof in imitation, likeness or similitude of any bills of credit or certificates for monies borrowed as aforesaid, or any such assignment or transfer thereof, and directed by this Act to be printed or stamped, signed and issued, knowing the same to be forged or counterfeited, or shall counsel, advise, procure or any ways assist in the counterfeiting, printing, impressing, stamping, signing, or uttering any such bill or bills, certificate or certificates, assignment or transfer, as aforesaid, or that shall furnish or set any printing types, or engrave any plate, or make any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, certificate or certificates, as aforesaid, that then all and every such person or persons so offending, and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon, without the benefit of clergy. Penalty for counterfeiting bills or certificates.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 23rd day of December, 1776.*

*Assented to:* J. RUTLEDGE.

**AN ACT FOR THE REDUCTION OF INTEREST, FROM EIGHT TO SEVEN POUNDS No. 1031.**

**FOR EACH HUNDRED POUNDS.**

WHEREAS, by the constant and uniform experience of all states and nations for ages past, it has been found that a moderate and reasonable interest or annual premium for monies lent on contracts, is productive of the most beneficial effects to a State, by promoting the circulation of specie as a medium of commerce, and rendering the attainment of money easy to the poor and industrious, whereby the honest and laborious, being furnished with the means of labour and industry, are encouraged to pursue their respective employments and arts with diligence and application, and thereby giving rise and progression to the arts, extending and diffusing trade and commerce, advancing and improving agriculture and good husbandry, every occupation becomes flourishing and successful, the strength, wealth, credit and power of a people is supported and in-

**Preamble.**

A. D. 1777.

creased, and peace, plenty, liberty and happiness become firmly established amongst them; in order, therefore, to promote ends so beneficial and desirable,

Penalty for exacting interest above the rate of 7 per cent.

I. *Be it enacted* by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by authority of the same, That no person or persons whatsoever, from and after the third day of January, which will be in the year of our Lord one thousand seven hundred and seventy-seven, upon any contract which shall be made from and after the said third day of January, shall take, directly or indirectly, for loan of any monies, wares, merchandizes or other commodities whatsoever, above the value of seven pounds for the forbearance of one hundred pounds for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, and so according to that rate and proportion, for goods, wares and commodities lent, to be repaid again in goods, wares, commodities, or in monies; and that all bonds, specialties, contracts, promises and assurances whatsoever, made after the time aforesaid, for payment of any principal or money or goods, wares or commodities as aforesaid, to be lent or covenanted to be performed, upon or for any usury whereupon or whereby there shall be reserved or taken above the rate of seven pounds in the hundred as aforesaid, and so according to that rate and proportion if goods, wares, merchandizes or commodities are lent as aforesaid, shall be utterly void and of none effect; and that all and every person and persons whatsoever, who, after the time aforesaid, upon any contract to be made after the said third day of January, shall take, accept or receive, by way or means of any corrupt bargain, loan, exchange, shift or interest of any monies, wares, merchandizes, commodities, or other thing or things whatsoever, or by any deceitful way or means, for the forbearing or giving day of payment for one whole year, or for their money or other thing, above the sum of seven pounds for the forbearing of one hundred pounds for one year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, or so after that rate or proportion for other goods, wares or commodities, where such shall be lent, contracted or agreed for, taken, accepted or received, shall forfeit and lose for every such offence the treble value of the monies, wares, merchandizes, commodities, or other things so lent, bargained, exchanged, shifted or taken; the one half of which forfeiture shall be paid to the Commissioners of the public treasury, for the use of the State aforesaid, and the other half to him or them that will inform and sue for the same, to be recovered with full costs of suit in any court of record in this State, by action of debt, bill or plaint, wherein no essoign, wager of law or protection shall be allowed: Provided always, that every such action by bill or plaint as aforesaid, shall be commenced and sued in the lender's life time, and within six months after the offence committed, and at no time after.

Borrower a sufficient witness in case of usury.

II. And whereas, it is to be feared that wicked and evil minded persons, for the sake of lucre and unjust gain, will often exact and take greater usury and higher rates of interest from necessitous persons than is allowed by this Act, in hopes that their offences against this Act may not be discovered for want of proof, as such transactions will be generally carried on when only the borrower and lender are present together; for remedy whereof, and preventing or punishing as much as possible all usurious practices for the future, *Be it further enacted*, That in all cases whatever, after the said third day of January aforesaid, where any suit or action shall be brought, sued or depending in any court of record in this State, touching or

concerning any usurious bond, specialty, contract, promise or agreement, or taking of usury or higher rates of interest than is allowed by this Act, the borrower or party to such usurious bond, specialty, contract, promise or agreement, or from whom such higher rates of interest is or shall be demanded, had or taken, shall be, and is hereby declared to be, a good and sufficient witness in law to give evidence of such offence against this Act; any law, usage or custom to the contrary in any wise notwithstanding. Provided always, that if the person or persons against whom such evidence is offered to be given, will deny upon oath, in open court to be administered, the truth of what such evidence offers to swear against him, then such witness shall not be admitted to be sworn; and if any witness or party shall forswear himself in any such matter, he and they so doing, and being thereof lawfully convicted, shall suffer all the pains and penalties which by the laws now in force in this State ought to be inflicted on persons convicted of wilful and corrupt perjury.

A. D. 1777.

Proviso.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 2d day of January, 1777.*

*Assented to: J. RUTLEDGE.*

AN ACT for establishing a Ferry over Saludy River, at the lands of Benjamin Cook, on both sides of the river. No. 1032.

(Passed January 16, 1777. *See last volume.*)

AN ACT for vesting the Ferry over Ashley River in Edward Legge, his executors, administrators and assigns, for seven years. No. 1033.

(Passed January 16, 1777. *See last volume.*)

AN ACT FOR RAISING AND PAYING INTO THE PUBLIC TREASURY OF THIS STATE THE TAX THEREIN MENTIONED, FOR THE USE AND SERVICE THEREOF. No. 1034.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax for the sums and in manner hereinafter mentioned should be assessed, raised and paid into the public treasury of this State, for the use and service thereof;

Preamble.

I. *Be it therefore enacted and declared,* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the sum of ten shillings current money, per head, shall be levied on all negroes and other slaves whatsoever, within the limits of this State; and the sum of ten shillings per hundred acres on all lands throughout the said State, town lots excepted; and the sum of five shillings for every hundred pounds, on the value of every such town lot, wharf and building, and other lands within the limits of any town, village or borough, in this State, (the bounds of

Rates of taxation.

A. D. 1777.

Land of new  
settlers exemp-  
ted from tax.

Charlestown to extend from Ashley river to Cooper river, on a direct line with the north side of Boundary-street; and the sum of five shillings on every hundred pounds owing to any person or persons, on bond or other specialty, or note of hand bearing or including interest, over and above what he, she or they pay interest for; and the sum of ten shillings per head on all free negroes, mulattoes and mestizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of five shillings for every hundred pounds, on every person's stock in trade, (that is to say,) wares, merchandizes and book debts of persons in trade, shop-keepers and others; and the like sum of five shillings per cent. on the profits of all faculties and professions, (the clergy excepted,) factorage, employments and handicraft trades throughout this State; to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information. Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this State to the payment of any part of the said tax for their lands granted to them by bounty, who shall make oath before the collector of the tax, in the respective parish or district where such new settler resides, that he settled himself in this State upon the encouragement given thereby, and hath not resided ten years therein; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

Taxables to  
render an ac-  
count of their  
property.

II. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, or monies for which they receive interest, in this State, (lands whereon any churches or other buildings for divine worship or free schools are erected or built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this Act, shall, on or before the first Tuesday in March, which will be in the year of our Lord one thousand seven hundred and seventy-seven, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the first Tuesday in March, which will be in the year one thousand seven hundred and seventy-seven; which oath or affirmation shall be in the words following, to wit: "I, A. B., do swear or affirm (as the case shall be) that the account which I now give in is a just and true account of all the lands, slaves, and monies I have upon bond or other specialty, or note bearing or including interest, (which I believe to be good,) over and above what I pay interest for, and which I am possessed of, interested in, or entitled unto, either in my own right, or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare, without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorized, enjoined and required to administer.

Oath to be  
taken.

III. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever, shall be obliged to make return of his or

her lands, slaves, or monies at interest, in the country, over and above what he or she pays interest for, to the inquirers and collectors for the parish or district respectively where such person lives or resides for the greatest part of the year, and pay the tax thereon to the said inquirers and collectors. And the inquirers and collectors of all and every the parishes and districts respectively shall be, and they are hereby, authorized, empowered and required to issue executions against all and every person or persons, in their respective districts, who have not paid the just proportion of the preceding taxes.

A. D. 1777.

Executions to  
issue against  
persons for not  
paying taxes.

IV. And whereas, there are divers tracts of land, slaves, and monies at interest, in this State, held, owned or claimed by persons not resident here, who pay no taxes or other charges toward the support of the government of this State: *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this State, shall make due and true return to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, as aforesaid, of all lands, slaves, and monies at interest, belonging to such absent persons, for whom they are attorneys or trustees, and shall send a copy of such return, certified by the said assessors and collectors, to the assessors and collectors for the parishes or districts where such lands lie; and that such attorneys or trustees shall be subject and liable to pay the taxes to become due by virtue of this Act, or which are due by virtue of any former tax Acts, for such land, slaves, or monies at interest, out of his or their own proper estate; notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied; unless such attorney shall make oath, before the said collectors respectively, that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax: Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given, as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes respectively, where any lands lie which are held or owned by any person or persons not resident in this State, whether they have attorneys or not, or where they have received no certificate of the said lands being returned in any other parish, as aforesaid, or the commissioners of the treasury for the time being, shall be, and they are and he is, hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood, or any other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this or any other tax Act; or, after six months notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment or waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the commissioners of the treasury, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every such sale of such timber, lightwood, or other wood, and leases of such lands, as aforesaid, shall be, and they are hereby

Attorneys and  
trustees of ab-  
sent persons,  
liable for the  
taxes assessed  
on the property  
of such absen-  
tees.

Proviso.

Inquirers and  
collectors may  
lease land, sell  
timber, &c. for  
taxes unpaid.

A. D. 1777. declared, good and valid, to all intents and purposes whatsoever ; any law, statute, usage or custom to the contrary in any wise notwithstanding.

Lands of absent owners, for which taxes are not paid in two years after notice given, declared forfeit.

Proviso.

Inquirers and collectors appointed.

V. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attornies, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors, appointed by this Act, then, and in such case, the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably and proportionably, according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this State, and forthwith to publish and give notice of such their charge and assessment in the Gazette. And in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest, from time to time, of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to this State, and shall be deemed and taken as vacant land ; any law, custom or usage to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prejudice the rights of infants or feme covert, who shall be entitled to their lands upon claiming the same within two years after they come of age or become discover, upon their paying and discharging all taxes and arrears of taxes that shall or may become due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

VI. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned, viz: for the parish of Christ Church, Elias Wigfall and Nathan Legare ; for the parish of St. James, Goose Creek, Thomas Walter, James Streater and Alexander Mazyck ; for the parish of St. John, Berkley county, Thomas Broughton, Henry Ravenell, Jr., and Peter Videau ; for the parish of St. George, Dorchester, William Morgan, Maurice Lee and John Fullerton ; for the parish of St. Thomas and St. Dennis, Andrew Hazell, John Dearington and Isaac Lessene ; for the parish of St. Andrew, (James Island excepted,) Edward Legge ; for that part of the parish called James Island, Archibald Scott and Joseph Rivers ; for the parish of St. John, Colleton county, viz. for John's Island, John Holmes and Abraham Wait, Jr. ; for Wadmelow Island, Captain John Wilson ; for Edisto Island, Daniel Jenkins ; for the parish of St. Paul, viz. for Stono and the east side of Pon-pon, Morton Wilkinson and Melchoir Garner ; and for Beach Hill, in the said parish, Morton Wilkinson and Melchoir Garner ; for the parish of St. Bartholomew, Charles Sheppard and James Skirving, Jr. ; for the upper district of St. Bartholomew, viz. the north and west of the Black Creek, and the main waters of the Great Swamp, directly across to Pon-pon river, John Lambert and David Ferguson ; for Combahee and Chehaw, in the said parish, William Godfrey and William Webb ; for the parish of St. James, Santee, Charles Gaillard and Joseph Legare ; for the parish of St. Stephen, David Gaillard and Thomas Cooper ; for the parish of Prince George, Winyaw, Joseph Allston, Samuel Dwight, George Herriot, James Gordon, John Dozier and William Davis ; for the parish of St. David, Wm. Pegues, Arthur Hart, Daniel Dubose and Matthew Holding ; for the parish

of Prince Frederick, Hugh Giles, Anthony White and James Flemming; for the parish of St. Matthew, Henry Felder, William Reed and Joseph Dunklin; for the parish of St. Helena, Port Royal, John Edwards, Captain Daniel Heyward and Daniel Greene; for the parish of St. Peter, Purrysburgh, Robert Dillon and William Ross; for the parish of Prince William, James Smith, Charles Brown and John Keating; for the district to the eastward of the Wateree, Samuel Little, James Rembert, John Chesnutt, William Massie, George Somerville, John Marshal, James Armstrong, of the north branch of Black river, and John Burgess; for the district of Ninety-six, Hugh Turpin, John Ervin, Nathaniel Spraggins, Artemas Watson, Francis Cinquefield, Robert Bryant, Patrick Calhoun, Robert Anderson and David Zubly; for the district of Saxe-Gotha, George Stroul, Andrew Kaigler and William Geiger; for the district between Broad and Saluda rivers, in three divisions, viz. the lower district, George Strother and Sarshal Grafty; the Little River district, John Williams and Jonathan Downes; the Upper district, John Thomas, Jr. and Andrew Thomson; for the district between Broad and Catawba rivers, James Taylor, Philip Pearson, John Ellison, Michael Dixon, Robert Patton and Amos Tims; for the district called the New Acquisition, Joseph Howe, William Bratton and William Henry; for the district between Savannah river and the north fork of Edisto, William Robinson, James Moore, Henry Peoples and Henry Young.

A. D. 1777.

VII. *And be it also enacted* by the authority aforesaid, That Charles Atkins, James Smith, James McCall and Jonathan Sarrazin, be, and they are hereby appointed, inquirers for the parishes of St. Philip and St. Michael; and that Josiah Bonneau, Plowden Weston, John Smyth, Joseph Verree and John Owen, be, and they are hereby appointed, assessors and collectors for the parishes of St. Philip and St. Michael.

Inquirers, &c.  
for St. Philip &  
St. Michael.

VIII. *And be it also enacted* by the authority aforesaid, That all persons whosever, living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest in this State, in their own right or in the right of others, or are any ways liable to pay tax by virtue of this Act, shall pay in their tax to the several persons hereby appointed to receive the same, on or before the first Tuesday in May, which will be in the year of our Lord one thousand seven hundred and seventy-seven; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt. And the said inquirers, assessors and collectors for the several parishes respectively within this State, shall close their accounts, and shall deliver the same, on oath, to the commissioners of the treasury for the time being, or either of them, (who is and are hereby impowered and required to administer such oath,) and pay him or them all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown, into the hands of the commissioners of the treasury, in pursuance of this Act, on or before the first Tuesday in June, one thousand seven hundred and seventy-seven; and the inquirers, assessors and collectors of each parish or district shall make their return of such district respectively to the said treasurers, at one and the same time. And the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath, as aforesaid, of their own lands, slaves and monies at interest, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

Taxes on real  
estate, &c.  
when to be  
paid.

A. D. 1777.

Penalty for concealment.

IX. *And be it also enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of monies at interest, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

When deemed a defaulter.

X. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, lands or slaves, to the inquirers, assessors and collectors aforesaid, respectively, at such time and place as they shall appoint, or by the last Tuesday in March, one thousand seven hundred and seventy-seven, at farthest, he or she shall be deemed a defaulter, and shall be, by the inquirers and collectors, doubly taxed for all his or her money at interest, lands and slaves.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

XI. *And be it also enacted* by the authority aforesaid, And the inquirers for the parishes of St. Philip and St. Michael are hereby ordered and directed to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situated, and of the slaves and money at interest of the said inhabitants, which they shall be possessed of, interested in, or entitled unto, in their own right or in the right of any other person whatsoever, lying or being in the said parishes, and of all lands and slaves which the said inhabitants are possessed of, in their own right or in the right of any other person, without the said parishes, or in any other part of the State; and the account of the real estates, slaves and money at interest of the said inhabitants, shall be returned to the said inquirers upon oath, in the manner hereinbefore directed; and the said inquirers shall make and finish their inquiry, and return the same to the assessors hereby appointed for the said parishes, on or before the last Tuesday in February, one thousand seven hundred and seventy-seven; and the said inquirers shall likewise extract and certify to the said assessors all the lands and slaves given in to them by the owners and inhabitants of the said parishes without the limits of the said parishes of St. Philip and St. Michael, and monies at interest which shall be returned to them by any inhabitants of the said parishes in trust for persons living in the country; and all lands and slaves without the limits of the said parishes of St. Philip and St. Michael, and monies at interest returned in trust for persons living in the country, as aforesaid, shall be reckoned as part of the country tax.

Persons over-rated may swear off the overplus.

XII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is overrated, or whose attorney or attornies shall have reason to believe he or she is overrated, for the profits of his or her handicraft, trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors, at the Exchange in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his, her or their attorney or attornies, shall think they are overrated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any of them, are hereby impowered and required to administer such oath, and to allow an abatement accordingly.

Oath to be administered to the inquirers.

XIII. *And be it also enacted* by the authority aforesaid, That the assessors and collectors of Charlestown, upon receiving the return from the inquirers, shall administer to them the following oath, viz: "You, A. B., C. D. and E. F., do swear that the account you now give in is a just and true account of all the real estates, slaves and monies at interest of the sev-

eral inhabitants of the parishes of St. Philip and St. Michael, and also all the real estates, slaves and monies at interest returned to you by the said inhabitants, which are belonging to persons not resident in either of the said parishes, according to the best of your knowledge: So help you God."

A. D. 1777.

XIV. *And be it also enacted* by the authority aforesaid, That the inquirers shall, at the same time, render an account in writing, upon oath, as aforesaid, to the said assessors and collectors, of their own real estates and slaves, and monies at interest in this State. And any three of the said assessors and collectors shall be a quorum, and shall meet at the Town Hall, over the Exchange, in Charlestown, the last Tuesday in February aforesaid, and there continue to sit until they have finished the calculation of the value of the estates in the said town, and within the limits aforesaid, or to adjourn to any other place in the said town, as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in April, one thousand seven hundred and seventy-seven; and shall cause a duplicate thereof to be posted at the Exchange, in Charlestown, in seven days after the calculation shall be closed, and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted. And the said assessors, and all the other assessors and collectors for the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath before one of the justices of the peace, who shall give them a certificate thereof, gratis: "I, A. B., do sincerely swear that I will indifferently, equally, and impartially rate and assess all and every person, according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge: So help me God."

The inquirers to make return of their own property.

Assessors and collectors to take an oath.

XV. *And be it enacted* by the authority aforesaid, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in June, one thousand seven hundred and seventy-seven; and the said assessors and collectors shall pay to the commissioners of the treasury all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Time of paying the tax in the parishes of St. Philip and St. Michael.

XVI. *And be it also enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her or their tax at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days are fully elapsed, without further delay, levy the same by virtue of a warrant, by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus (if any there be) to the defaulter, upon deducting the reasonable charges; or shall not make oath, before the collectors, that he has not directly or indirectly conveyed away or removed his said goods or effects, whereon the money so assessed might be levied, to avoid the payment of the said tax, and that he is not able to pay the same; which oath the said collectors are hereby respectively authorized and empowered, if necessary, to administer. And if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such

Warrants to be issued against persons neglecting or refusing to pay taxes.

A.D. 1777.

defaulter and convey him to the common goal in the district where such defaulter resides; which warrant shall run in these words, *mutatis mutandis*, viz:

Form of the  
warrant.

"A. B., C. D., E. F., collectors of the general tax for the parish or precinct of —, to G. H., constable of the parish or precinct of —, or to the sheriff of — district, in the State of South Carolina, or to his lawful deputy: Whereas, J. K. hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for defraying the charges of the —, which — hath neglected to pay; these are, therefore, in the name of the State, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said J. K., the said sum of —, together with the charges thereof; and in case the said J. K. shall refuse or neglect to produce goods or chattels, sufficient to levy the said distress and the charge thereon, that then you take the body of the said J. K. and convey — to the common gaol in the district, commanding you, the keeper of the said gaol, to detain the body of the said J. K. in your custody, until — shall pay the said sum of —, together with the charges of keeping and detaining as aforesaid: and for so doing this shall be your sufficient warrant. Given under our hands and seals, this — day of —, A. D. —.

"A. B., C. D., E. F."

Fees of  
constables, &c.

And the sheriff, to whom such warrant shall be directed, shall detain such person in the gaol aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied. And the constable and constables, to whom such warrant shall be directed, shall take from the defaulter the following fees, in the execution of their office, viz. for serving every execution, six shillings; and for every pound, to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling-house of such constable, to the house or place of residence of such defaulter; and for the constable's returning home, mileage at the same rate; and no more or any other fee whatsoever. And the assessors or collectors, respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Penalty on  
neglect to make  
return, or pay  
tax.

XVII. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account, as aforesaid, of his or her estate, to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrants, in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Commissioners  
of the treasury  
impowered to  
issue warrants  
for arrears of  
taxes.

XVIII. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall have full and ample power, in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly; and the same may be recovered by virtue of a warrant under the hand and seal of the said commissioners for the time being, or any two of them, directed to the sheriff or any constable for the district where such arrears of taxes are to be collected; which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

XIX. *And be it also enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors and the paying of his or her tax; and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate to the inquirers and collectors as aforesaid and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons will find sureties to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

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Taxables  
dying or  
departing.

XX. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels, of any person whatsoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Fraudulent  
conveyances.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgager; provided, that such estate shall be in the possession of the said mortgagee.

Mortgagee lia-  
ble to pay tax.

XXII. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of five hundred pounds current money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of two thousand pounds current money to this State, for the support of this Government; to be sued for and recovered by the commissioners of the treasury for the time being, in any court of record in this State.

Penalty on offi-  
cers for neglect.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes, shall neglect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all monies received by him or them, or due to the State, on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any two of them, by warrant under their hand and seal, to commit such assessor or collector to the common gaol, in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered upon oath, to be taken before one of the justices of the quorum, a full, and to a majority of the commissioners of the treasury a satisfactory, account of, and shall have paid, all such

Penalty of as-  
sessors and col-  
lectors for  
neglect of duty.

A. D. 1777.

sums so as aforesaid by him or them collected, during the time that he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies due this State by virtue of this or any former tax Act, and the reasonable charges for such commitment.

Inquirers,  
assessors, &c.  
dying or  
departing.

XXIV. *And be it also enacted* by the authority aforesaid, That in case any of the said inquirers, assessors and collectors before mentioned shall happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the President, or Commander-in-chief for the time being, is hereby impowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of his parish or district; and the person and persons so appointed shall have the same powers, and be under the same penalties, as the inquirers, assessors and collectors hereby nominated.

Commissioners  
of the treasury  
impowered to  
grant execu-  
tions.

XXV. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any two of them, be, and they are hereby, impowered and required to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, and all persons in arrear for taxes now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he or they is and are hereby required and directed to prosecute all and every person or persons whatsoever, neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same for any such refusal or neglect.

General issue  
may be pleaded  
and this Act  
given in evi-  
dence.

XXVI. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurers, sheriffs, constables or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

XXVII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied to and for the use and service of this State.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of January, 1777.*

*Assented to :* J. RUTLEDGE.

A. D. 1777.

**AN ORDINANCE** FOR MAKING DISPOSITION OF MONIES FOR THE SUPPORT OF GOVERNMENT, AND TO ENABLE HIS EXCELLENCY THE PRESIDENT FOR THE TIME BEING TO EXERCISE CERTAIN POWERS, IN MANNER THEREIN MENTIONED. No. 1035.

WHEREAS, it is deemed expedient, for the safety and defence of this State, that sufficient authorities be lodged in the Executive power of the same to draw on the Treasury for certain sums of money, which may be immediately necessary for the support of Government, and for other purposes herein mentioned; wherefore, be it ordained, Preamble.


I. *And it is hereby ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of this State, and by the authority of the same, That his Excellency the President for the time being shall have and possess the supreme command, direction and ordering of, in and over the military stores, navy, forts, and the militia throughout this State and all regular land forces belonging to the same, not on the Continental establishment, and, with the advice and consent of the Privy Council, shall and may, for twelve months after the passing of this Ordinance, in all cases not to the contrary provided for by any law or resolution of Congress, direct the commissioners of the treasury relative to the execution of their office, and with the advice and consent aforesaid, he shall issue his warrant upon the treasury for defraying the expences of the civil, military and naval establishments, and for the services of the militia of this State, and also, for such contingent and necessary expences as the nature of the public service and the security of the State may require. Certain powers vested in the President.

II. *And it is further ordained* by the authority aforesaid, That the commissioners of the treasury shall, out of the public money, hold a sum not exceeding twenty thousand pounds, as a contingent fund for his Excellency the President for the time being, to draw upon, of his own authority for the public service; and all such draughts upon that fund shall be accounted for to the General Assembly. A contingent fund provided.

III. *And it is further ordained* by the authority aforesaid, That his Excellency the President for the time being, with the advice and consent of the Privy Council, shall have power to carry the Acts of Assembly and the resolutions of Congress relating to the militia into execution, in as full and ample manner as any Governor and Council or any Council of Safety might have done; and shall have power to suspend any officer in the navy or militia or regular land forces belonging to this State, and not on the Continental establishment. Powers of the President.

IV. *And be it further ordained* by the authority aforesaid, That in case of the sickness of the President and Commander-in-chief for the time being, or of his absence from Charlestown in other parts of the State, the Vice President, or, in case of his absence, any one member of the Privy Council, being duly authorized by warrant, under the hand and seal of the President, shall and may have and exercise the same powers touching the premises herein beforementioned, as are hereby given to or vested in the President. In case of sickness or absence of President, Vice President to act.

V. *And be it further ordained* by the authority aforesaid, That his Excellency the President for the time being may order general courts martial, to sit for the trial of any offences done or to be done or committed martial &c. President may order courts martial &c.

A. D. 1777.  in and by the regular forces by sea and land belonging to this State, not on the Continental establishment, and the whole proceedings of such courts martial shall be laid before his Excellency the President for the time being, who is hereby impowered to pardon the whole or any part of the sentence of any such general court martial, or to order the whole or any part of such sentence to be executed; and no such sentence shall be executed without an order for so doing, first had and obtained from his Excellency the President for the time being; and all such offences, done or to be done and committed by any field officer of the militia, which were heretofore cognizable by any governor and council, shall be cognizable before and punishable by his Excellency the President for the time being, and the Privy Council.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of January, 1777.*

*Assented to: J. RUTLEDGE.*

No. 1036. *AN ORDINANCE TO PREVENT THE EXPORTATION OF RAW HIDES AND TANNED LEATHER, FOR THE TIME THEREIN LIMITED.*

Preamble.

WHEREAS, the public service renders it necessary to prohibit the exportation of raw hides and tanned leather for some time to come,

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That from and after the passing of this Ordinance, if any person or persons shall attempt to export or send off from this State to any other port or place whatsoever, either by land or water, any raw hides or tanned leather, it shall and may be lawful for any person or persons to seize the same, and prosecute the offender therefor, by action of debt, bill or plaint in any court of record in this State; and on conviction of such offender, the said hides and leather shall be sold, by the order of the court, and the money paid and disposed in the following manner, (that is to say) one half thereof to the person or persons who shall make the seizure as aforesaid, to his own use, and the other half shall be paid into the public treasury, for the use this of State; Provided always, that on a particular application from the Continental Congress to the President of this State for the time being, he, with the advice and consent of the Privy Council, is hereby authorized, in such case, to give a special permit for such exportation, notwithstanding this law.

II. *And be it further ordained* by the authority aforesaid, That this Ordinance shall continue of force for the term of one year from the passing thereof, and no longer.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of January, 1777.*

*Assented to: J. RUTLEDGE.*

A. D. 1777.

No. 1037.

**AN ORDINANCE FOR ALTERING AND SETTLING THE DIVISION AND DISTRIBUTION OF SHARES AMONGST THE CAPTORS OF PRIZES TAKEN BY VESSELS OF WAR FITTED OUT BY THIS STATE.**

WHEREAS, the shares hitherto established by law to be distributed to the captors of prizes taken by vessels of war fitted out by this State, are not sufficient for the encouragement of seamen to enter into the service of the same,

Preamble.

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State aforesaid, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all prizes which shall hereafter be taken by any armed vessel of war belonging to this State, and which shall be condemned as such in the court of admiralty of this State, shall, on being sold by virtue of such condemnation, be shared and distributed in the following manner, that is to say: one half of the amount of the sales of such prizes, after deducting all legal charges, to and amongst the captain, officers, seamen and marines, or persons acting as such, belonging to or on board of such armed vessel as aforesaid, which shall take such prize, in the following manner and proportions, that is to say: to the captain, two sixteenth shares; to the lieutenants and the officer of marines, one sixteenth share; to the warrant officers, one sixteenth share; to the petty officers, one sixteenth share; and to the seamen and marines, or other persons acting as such, three sixteenth shares; and the other half of such amount of sales to and for the use of the State aforesaid.

II. *And be it further ordained* by the authority aforesaid, That the amount of the sales of two prizes, taken by the officers, seamen and marines, or other persons acting as such, on board of the Brigantine Comet, on the twenty-eighth day of November last, and now condemned in the court of admiralty of this State, shall be shared and distributed in manner as before directed by this ordinance, any law or statute to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of January, 1777.*

*Assented to:* J. RUTLEDGE.

A. D. 1777.

**No. 1038.** *AN ACT TO ALTER AND AMEND AN ACT OF THE GENERAL ASSEMBLY OF THIS STATE, PASSED THE TWENTY-THIRD DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, ENTITLED "An Act for appointing Commissioners to print or stamp and sign bills to the amount and value of three hundred and eight thousand Spanish milled Dollars, immediately, and for printing or stamping and signing another sum, to the amount and value of three hundred and seven thousand three hundred and eighty-four Spanish milled Dollars, in four months, if the same or the value thereof cannot be borrowed by the Commissioners of the Treasury by that time."*

Preamble.

WHEREAS, the term of ten years, limited in the said Act for repayment of the several sums that the commissioners of the treasury may take up upon loan, hath been found too long to answer the good purposes intended thereby,

1. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief of the State of South Carolina, and by the honorable the Legislative Council, and by the General Assembly of the said State, and by the authority of the same, That all and every person and persons, company or body corporate, willing to lend any part of the said sum of three hundred and seven thousand three hundred and eighty-four dollars, within six months after passing this Act, shall be at liberty to deposite in the public treasury of this State any sum or sums of money at the rate of seven pounds per cent.; provided the same be not less than one thousand pounds: which said sum or sums of money, with interest, respectively, may be demanded and shall be repaid at the expiration of twelve months from the day of depositing the same in the treasury, but at no time after, without three months previous notice being first given to the commissioners of the treasury, by the party demanding the same; Provided always, that the commissioners of the treasury shall, with the approbation of the President and Privy Council for the time being, have liberty, and they are hereby authorized and empowered, at any time at or after twelve months from the day of depositing any such sum or sums of money as aforesaid, to repay the same with interest to the lenders respectively, first giving him or them three months notice thereof; and provided, nevertheless, that the interest of every sum of money deposited as aforesaid, shall be paid annually by the commissioners of the treasury to the party lending the same, any thing in the said before recited Act to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of January, 1777.*

*Assented to:* J. RUTLEDGE.

A. D. 1777.

AN ACT to impower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the Ships and other Vessels of the inhabitants and subjects of Great Britain; to establish the trial by jury in the said court, in cases of capture; and for other purposes therein mentioned. No. 1039.

(Passed Feb. 13, 1777. The original not now to be found.)

AN ACT FOR IMPOWERING THE COMMISSIONERS THEREIN NAMED TO PURCHASE CERTAIN LANDS IN CHRIST CHURCH PARISH, AT OR NEAR THE PLACE CALLED HADDREL'S POINT, AND VESTING THE SAME IN THE COMMISSIONERS OF THE TREASURY, FOR THE USE OF THIS STATE, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1040.

WHEREAS, it is necessary, for the service and security of this State, that proper barracks be built at or near the place called Haddrel's Point, near Sullivan's Island, for the accommodation of such troops as it may be expedient to post or station there for the defence of American rights, during the war with Great Britain; Preamble.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That Colonel Charles Pinckney, General Wm. Moultrie, Major Barnard Beekman, Daniel Cannon and Gabriel Capers, Esqs. be, and they are hereby appointed, commissioners, with full power and authority to any three or more of them, to contract with and purchase of the owner or owners of lands at or near Haddrel's Point, such part or quantity of the same as may be necessary for the building and erecting of public barracks and fortifications thereon, and for other military purposes. Commissioners appointed to purchase land, erect barracks, &c.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners aforesaid, or a majority of them, to cause to be laid out and ascertained such part and parcels of the said land as to them shall seem necessary for the purposes aforesaid, and to cause the said parts and parcels of land, so laid out and ascertained as aforesaid, to be valued and appraised by four indifferent persons, being freeholders, two whereof shall be chosen by the said commissioners or a majority of them, and other two by the owner or owners of such parts and parcels of land so laid out as aforesaid; which said appraisement shall be returned upon oath, under the hands and seals of such appraisers, within ten days from the time of their being appointed appraisers as aforesaid: Provided nevertheless, that if such appraisers cannot agree within the time herein limited, that then it shall and may be lawful for them to choose a fifth person, who shall make such valuation and the appraisement as aforesaid, within five days after such appointment, which shall be under hand and seal, and returnable as aforesaid; and which said valuation and appraisement, made by such appraisers, or such other fifth person chosen by them, and returned in manner as before mentioned, shall be binding and conclusive on all parties whatsoever. Value of the land to be ascertained by appraisement. Proviso.

A. D. 1777.

In case of neglect of owners of land, commissioners may appoint the appraisers.

III. *And be it further enacted* by the authority aforesaid, That in case any proprietor or owner of lands at or near Haddrel's Point, which may be laid out and ascertained as aforesaid, for the purposes aforesaid, shall refuse or neglect to appoint two appraisers in his, her or their behalf, as aforesaid, within five days after being warned so to do by the commissioners aforementioned, or a majority of them, that then it shall and may be lawful for the said commissioners, or a majority of them, to nominate four indifferent persons, being freeholders, who shall value and appraise such land and return such valuation and appraisement in manner as before directed; which shall be binding and conclusive on all parties whatsoever.

Land to be paid for out of the public treasury by order of the President.

IV. *And be it further enacted* by the authority aforesaid, That the owner or owners of all such parts and parcels of land, which shall be valued and appraised under and by virtue of this Act, for the purposes aforesaid, shall be paid for the same out of the public treasury of this State, according to such valuation or appraisement, immediately after such appraisement shall be returned by the appraisers, in manner as before mentioned, to the commissioners appointed by this Act, and after the said commissioners or a majority of them shall certify the same to the President and Privy Council for the time being, who shall make an order on the treasury for such payment as aforesaid.

To be vested in the commissioners of the treasury.

V. *And be it further enacted* by the authority aforesaid, That all such parts and parcels of land as shall be valued and appraised under and by virtue of this Act for the purposes aforesaid, shall, immediately after the date and return of such appraisement, become vested in the commissioners of the treasury for the time being, in trust for and to the use of this State, and to no other use or purpose whatsoever; and that the owner or owners of such parts and parcels of land shall, upon receipt of the amount of such appraisement, make and execute proper deeds and conveyances in law, for conveying and assuring of the same to the commissioners of the treasury for the time being, as aforesaid, according to the intent and meaning of this Act.

Commissioners empowered to lay out roads.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners named and appointed in and by virtue of this Act, or a majority of them, shall have full power and authority to lay out and make any road or roads through any land whatever, from Hobcaw to Sullivan's Island, and from the aforesaid barracks at or near Haddrel's Point or Shem Creek, and from the barracks as aforesaid to Greenwich Bay, which may be necessary, proper or convenient for the more safely, easily or expeditiously conveying provisions or stores or marching troops, belonging to this or any of the United States, to the said barracks, at or near Haddrel's Point and Sullivan's Island, as aforesaid; and that where any such road or roads shall be made as aforesaid, through any land or lands of private persons, the damage sustained thereby by the owner or owners of such lands, shall be valued and appraised in manner as before directed, and which said valuation and appraisement shall be binding and conclusive on all parties whatsoever; and, on being certified by the said commissioners, or a majority of them, to the President and Privy Council, in manner as aforesaid, such damage or damages, so valued and appraised, shall be paid out of the public treasury of this State to the person or persons respectively sustaining the same.

Vacancies, how to be filled.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners appointed under and by virtue of this Act shall happen to die, depart the State, or refuse to act, that then it shall and may be lawful for the others of them to appoint a commissioner or commissioners in the stead of him or them so dying, departing the State, or refusing

to act, who shall have the same powers and authorities as if they had been originally named in this Act. A.D. 1777.

VIII. *And be it further enacted* by the authority aforesaid, That any commissioner or commissioners appointed in, or who shall be hereafter appointed under and by virtue of, this Act, and every other person acting by or under their authority, who shall be sued, prosecuted or molested for any matter, cause or thing whatsoever, done or executed, or caused to be done or executed by virtue of or in pursuance of this Act, may plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs shall suffer a discontinuance, become nonsuit, or a verdict shall pass against him or them, he or they shall forfeit and pay treble costs of suit. General issue may be pleaded.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to: J. RUTLEDGE.*

AN ACT for clearing and making navigable Edisto River, and the forks or branches thereof. No. 1041.

(Passed February 13, 1777. *See last volume.*)

AN ACT for incorporating a Society commonly called the Mount Zion Society. No. 1042.

(Passed February 13, 1777. *See last volume.*)

AN ACT TO REVIVE AND CONTINUE FOR THE TIME THEREIN LIMITED THE SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS STATE THEREIN PARTICULARLY MENTIONED, AND TO APPROPRIATE CERTAIN PENALTIES, AND TO CONFIRM THE POWERS OF COMMISSIONERS OF ROADS, PATHS, BRIDGES, CREEKS, CAUSWAYS AND WATER PASSAGES. No. 1043.

WHEREAS, several salutary and beneficial laws of this State are now expired or very near expiring, and it is necessary and expedient for the public welfare to revive and continue the same, Preamble.

I. *Be it therefore enacted*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the several Acts and clauses of Acts of the General Assembly of this State hereinafter particularly mentioned, are hereby declared to be revived, continued and enacted to be of full force and virtue, for and during the time hereinafter limited and expressly declared for the same, that is to say: an Act of the Acts revived and continued.

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General Assembly entitled "An Act for licensing hawkers, pedlars and petty chapmen, and to prevent their trading with indented servants, overseers, negroes and other slaves," passed the eleventh day of March, one thousand seven hundred and thirty-seven; also, "An Act for the establishing of a market in the parish of St. Philip, Charlestown, and to prevent engrossing, forestalling, regrating and unjust exactions in the said town and market," passed on the eleventh day of April, one thousand seven hundred and thirty-nine; also, an Act entitled "An Act for making more useful Fort Johnson and Fort Frederick, and the several Look-Outs that now are or shall hereafter be kept or established near any of the inlets in this Colony," passed the fifth day of April, one thousand seven hundred and forty, with these alterations, "That whereas, since the passing of the said Act, Fort Moultrie has been built on Sullivan's Island, therefore, that all vessels coming into the port of Charlestown, which by the said law were obliged to stop at Fort Johnson, shall in future only call at Fort Moultrie, to undergo the usual examinations, and the commanding officer at the said fort shall have the several powers in this respect as were formerly exercised by the commander of Fort Johnson; provided always, that vessels outward bound shall only be stopped at the latter as usual; and inasmuch as Fort Frederick has long been dismantled, and another fort, called Fort Lyttelton, built near Beaufort, and now garrisoned in the service of the State, that the commanding officer of the said Fort Lyttelton for the time being shall have and exercise the same powers and authorities that are given in and by the said recited Act to the commander of the said Fort Frederick;" also, "An Act for the better ordering and governing negroes and other slaves in this Colony," passed the tenth day of May, one thousand seven hundred and forty; provided nevertheless, that such parts and clauses of the said last mentioned Act be hereby excepted, and not continued or enforced, as are altered or repealed by an Act passed the eleventh day of May, one thousand seven hundred and fifty-four, for preventing the stealing of negroes, or by an additional and explanatory Act to the same, passed the seventeenth day of May, one thousand seven hundred and fifty-one; also, "An Act concerning masters and apprentices," passed the twenty-eighth day of February, one thousand seven hundred and forty; also, "An Act for rendering and making the office of constable more easy and less expensive to the persons appointed," passed the eighth day of March, one thousand seven hundred and forty-one; also, "An Act for the better security of this Province, (now the State aforesaid,) against the insurrections and other wicked attempts of negroes and other slaves, and for reviving and continuing an Act of the General Assembly of this Province, (now the State aforesaid,) entitled an Act for the better ordering and governing of negroes and other slaves in this Province," (now the State aforesaid,) passed the seventh day of May, one thousand seven hundred and forty-three; also, "An Act for regulating the making of dams or banks for reserving water where the same may affect the properties of other persons," passed the twenty-ninth day of May, one thousand seven hundred and forty-four; also, "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and firewood, and to regulate the weighing of the several commodities and merchandize in this State," passed the seventeenth day of June, one thousand seven hundred and forty-six, except such parts or clauses of the said Act as are repealed by an Act passed the twelfth day of April, one thousand seven hundred and sixty-eight, entitled an Act for regulating and ascertaining the rate of wharfage of ships and merchandize, and also ascertaining the rates of storage in Charlestown; also, "An

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Act for the better regulating the militia of this State, and for repealing the former Acts for regulating the militia, and for repealing an Act entitled "An Act for the further security and better defence of this State," passed the thirteenth day of June, one thousand seven hundred and forty-seven, (excepting such parts and clauses of the said Act as are repealed, amended or altered by an Act passed the fourteenth day of May, one thousand seven hundred and fifty-five :) also, such parts and clauses of an Act for amending an Act entitled "An additional and explanatory Act to an Act to empower the several commissioners of the high roads and private paths, bridges, creeks, causeys and cleansing of water passages in this State, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, one thousand seven hundred and fifty-one, as were revived for seven years by the revival Act, passed on the twelfth day of April, one thousand seven hundred and sixty-eight : also, "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen ; and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, one thousand seven hundred and fifty-one : also, "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this State, relating to discounts," passed the seventh day of April, one thousand seven hundred and fifty-nine : also, an Act passed on the seventh day of April, one thousand seven hundred and fifty-nine, entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this State, such part of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled An Act for the relief of debtors, with respect to the imprisonment of their persons, as is hereinafter mentioned, and to repeal the several Acts of Assembly now of force in this State for relief of insolvent debtors : also, "An Act for establishing and regulating the artillery company which was formed out of the militia of Charlestown," passed the thirty-first day of July, one thousand seven hundred and sixty : also, "An Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same," passed the twelfth day of April, one thousand seven hundred and sixty-eight, (except such part of a clause of the said Act as gives a reward of twenty pounds proclamation money to all and every person and persons informing and giving evidence against offenders under the said Act, which is hereby repealed, any thing therein contained to the contrary notwithstanding :) also, "An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown : " also, "An Act for the preservation of deer, and to prevent the mischiefs arising from hunting at unseasonable times," passed the twenty-third day of August, one thousand seven hundred and sixty-nine : also "An Act for a fish market, and for preserving the lamps in Charlestown," passed the seventh day of April, one thousand seven hundred and seventy : also, such parts and clauses of an Act entitled "An Act for appointing commissioners to lay out a road or causey over Lynch's Island, situate in Santee River, and for establishing ferries therein," passed the eleventh day of March, one thousand seven hundred and thirty-seven, as respects the establishment of the ferries therein mentioned : also, an additional Act to an Act entitled "An Act for the better regulation of taverns and punch houses," passed the eighth day of March,

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one thousand seven hundred and forty-one : also, " An Act for the better establishing and regulating of patrols in this State," passed the seventeenth day of June, one thousand seven hundred and forty-six : also, " An Act for regulating the assize of bread," passed the sixteenth day of March, one thousand seven hundred and forty-nine : also, such parts and clauses of an Act entitled " An Act for reviving and continuing several Acts of the General Assembly of this Province (now the State aforesaid) therein mentioned, and for amending one of the said Acts entitled " An Act for the better regulation of the militia of this Province, (now the State aforesaid,) and for repealing the former Acts for regulating the militia, and for repealing an Act entitled an Act for the further security and better defence of this Province, (now the State aforesaid,)" passed the fourteenth day of May, one thousand seven hundred and fifty-five, as respects the amending the militia law of this State : also, such clauses and parts of an Act entitled " An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, (now the State aforesaid,) and for amending some of the said Acts, in manner herein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine, as respects boats passing of Fort Lyttleton, and the empowering of the Governor and Council to limit the number of tavern licenses.

The above Acts  
revived and  
continued for  
five years.

II. *And be it further enacted* by the authority aforesaid, That all and singular the Acts and clauses of Acts hereinbefore particularly mentioned and referred to, (excepting such as are hereinbefore particularly excepted,) and which are not contrary to any resolution or resolutions of the Continental Congress, or any resolution of the late Congress of this State now in force, be, and they are hereby declared to be, revived, continued and enacted to be of full force and virtue, for and during the full end and term of five years, and from thence to the end of the sessions of the General Assembly of this State that may be then sitting.

Alteration of  
former appro-  
priation of  
penalties.

III. *And be it further enacted* by the authority aforesaid, That where, by any clause or paragraph contained in any of the Acts or clauses of Acts hereinbefore particularly mentioned and hereby revived and continued, as well as in all other Acts of Assembly or statutes of Great Britain, which have been made of force in this State, any penalty or sum of money is thereby made and enacted, and the same directed to be paid to the use of the King of Great Britain, that all such penalties or sums of money which shall hereafter be inflicted, under and by virtue of such Acts or clauses of Acts herein before mentioned, or by such other Acts and statutes as aforesaid, shall, and they are hereby directed to be paid to the Commissioners of the treasury of this State, and be subject to the disposal of the Legislative body of the same.

Certain powers  
vested in the  
President.

IV. *And be it further enacted* by the authority aforesaid, That where, in any of the said Acts or statutes, any power or authority is given or duty enjoined to the Governor, or any justices of the peace, constables, or to any other officers, that in all such cases his Excellency the President for the time being, and the justices, constables, and other officers respectively, appointed or to be appointed under the present constitution of this State, shall have full power and authority to exercise all and every such powers and authorities, and to do and perform the several matters and things in the said Acts and statutes respectively required or enjoined.

V. *And be it further enacted* by the authority aforesaid, That all commissioners of high roads and private roads or paths, bridges, creeks, causeys, or for cleansing of water passages in this State, or for altering, laying out, cleansing or amending the same, who have hitherto been appointed

by virtue of any Act or clause or clauses of any Act or Acts of the General Assembly now in force, or any such as are revived by this Act, or by appointment of any Governor of this State hitherto, or by election in any parish or district in this State, or by any resolution of Congress, or who may hereafter be appointed by the President and Commander-in-chief of this State for the time being, with the advice and consent of the Privy Council, shall, with or without any written commission, have and exercise <sup>Powers of the commissioners of roads &c.</sup> as full and ample powers and authorities, to all intents and purposes whatsoever, as any commissioners of high roads or private roads, paths, bridges, creeks, causeys, or water passages whatever have hitherto had, enjoyed or exercised by virtue of any law or laws, resolution or resolutions of Congress heretofore made for that purpose.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, in their several and respective districts, shall have power, and they are hereby authorized, if they shall think it expedient, at least once in every year, to parcel out the high roads, causeys and small bridges under their care and charge, in equal and just parcels and proportions, as near as may be, to and amongst the several persons liable to work thereon in such district, and assign to each and every person and persons liable to work thereon, his, her and their respective parts of the same, which he, she or they shall be and is hereby obliged to keep in repair for the term aforesaid, under the penalties in the aforementioned Act or Acts for neglect or refusal to work on the high roads, any law or usage to the contrary notwithstanding; and under the further penalty of five pounds, for every passenger or other person who shall receive any injury by the badness of such parts of the said road, owing to the neglect of the party appointed to keep the same in repair, to be recovered against him or them respectively, by warrant, under the hand and seal of any magistrate for the district where the same shall happen. <sup>Duties of road commissioners.</sup>

VII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners already nominated or appointed, or hereafter to be nominated or appointed as aforesaid, shall refuse to act, or neglect his duty, he and they shall forfeit and pay the sum of one hundred <sup>Penalty of commissioners for neglect of duty.</sup> pounds current money, to be sued for and recovered against the said commissioner or commissioners, jointly or separately, at the election of the prosecutor; one half to be applied to the use of this State, and the other half to him or them who shall sue for the same.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to: J. RUTLEDGE.*

**AN ACT FOR THE MORE EASY AND EXPEDITIOUS OBTAINING THE AD-  
MEASUREMENT OF DOWER TO WIDOWS OF THE LANDS OF THEIR  
DECEASED HUSBANDS.** No. 1044.

WHEREAS, the mode at present necessary to be observed in the court of common pleas, for obtaining admeasurement of dower or thirds of lands, is attended with many inconveniences, by reason of the prolixity Preamble.

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of the proceedings, and the great delay consequently occasioned thereby ; in order, therefore, that right and justice may be done to all parties, with more expedition, and at a less expense ;

In what manner widows are to obtain their dower, or thirds.

I. *Be it enacted* by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and the General Assembly of the said State, and by authority of the same, That from and after the passing of this Act, it may be lawful for any woman who is entitled to dower or thirds of the lands of her deceased husband, to apply by petition to the judges of the court of common pleas, setting forth fully and particularly her right or claim thereto, and praying a writ of admeasurement thereof, to be directed to certain persons who shall be appointed for that purpose, that immediately thereupon any one of the judges of the said court shall issue a summons, to be directed to the heir at law of the deceased, if of full age, or to his or her guardian, if a minor, and in case there shall be no guardian, then to the executors or administrators of such deceased person, commanding him, her or them to appear at the next court of common pleas for the district where the lands are situated, that shall be held ten days after service of the summons above mentioned, and shew cause why the prayer of the said petition should not be granted ; that on the return of the summons, if the heir at law or his or her guardian, (if the heir be a minor,) and in case there shall be no guardian, then to the executors or administrators of such deceased person, appears, and sufficient cause shall not be shewn against the petition, then the said court shall, without delay, cause a writ for admeasurement of dower to be issued and directed to six persons, three of whom shall be nominated by each of the said parties, commanding them, within one month thereafter, fairly, justly and impartially, according to the best of their judgment, to admeasure and mete out to the said petitioner, and put her in full and peaceable possession of, one third part of all the lands of her said deceased husband ; and when they have so done, they shall immediately thereupon return a general plat of the said lands, with a certificate thereon in writing, under their hands and seals, describing the manner in which they have made the admeasurement as aforesaid, into the clerk's office of the said court, there to be recorded, and that the same shall be final and conclusive on all parties concerned therein. Provided always, that the said commissioners shall have power, and they are hereby authorized, in the admeasurement aforesaid, to have relation and regard to the true value of the lands in question ; and when the same cannot be fairly and equally divided, without manifest disadvantage, then to assess a certain sum in money, in lieu of dower, to be paid by the heir at law.

In case of refusal or neglect of the heir, the court may appoint three commissioners.

II. *And be it further enacted* by the authority aforesaid, That the service of the summons shall be proved on oath by the person who served it, in open court, the day on which the same is returnable ; and if neither the heir, or his or her guardian, (if he or she be a minor,) and in case there shall be no guardian, or the executors or administrators of such deceased person, shall appear on that day and shew cause as aforesaid, or, appearing, shall not assign sufficient cause against the petition, and shall refuse to nominate three persons, in the manner and for the purposes above directed, that then the said court shall appoint them, on behalf of such heir, guardian, executors or administrators, and they, together with those nominated by the petitioner, shall make such allotment and admeasurement as before required ; and, having made due return thereof, the same shall be as effectual and binding on all parties as if done in the manner first above prescribed.

III. *And be it further enacted* by the authority aforesaid, That the persons who shall be appointed to make such admeasurement of dower, may, if they shall think it necessary, call in to their aid one or more surveyors, to run the lines of the said lands, and also the division lines thereof; and that the whole expense of making such admeasurement of dower as aforesaid, shall be borne and defrayed out of the estate of the heir at law.

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HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February 1777.*

*Assented to :* J. RUTLEDGE.

AN ACT to appoint Commissioners for opening and enlarging the communication between Ashley and Stono Rivers, and for clearing and deepening New Cut. No. 1045.

(Passed Feb. 13, 1777. *See last volume.*)

AN ACT FOR REPEALING CERTAIN PARTS OF AN ACT PASSED THE NINTH DAY OF APRIL, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND THIRTY-FOUR, ENTITLED "*An Act for the better settling and regulating of Pilotage, and for erecting and supporting Beacons near the Bar and Harbour of Charlestown;*" AND FOR ALTERING THE RATES OF PILOTAGE, AND ESTABLISHING PROPER PILOTS AND PILOT BOATS FOR THE SAID BAR AND HARBOUR. No. 1046.

WHEREAS, it is not only necessary, for the encouragement of proper persons to enter into the service of this State as pilots for the bar and harbour of Charlestown, that the fourth clause of an Act, passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four, respecting vessels and their cargoes which may be damaged by the default of pilots, who are made liable for the same, be repealed, and that some other regulation for that purpose be made, which may equally answer the same intent, but with less discouragement to those who are willing to act in such capacity; but also, that the rates of pilotage for the bar and harbour of Charlestown, established in the said Act, be altered, and such other regulations be made respecting the pilots and pilotage for Charlestown, as may render the same more beneficial to the trade and interest of this State;

Preamble.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the fourth clause of an Act entitled "*An Act for the better settling and regulating of Pilotage, and for erecting and supporting beacons near the bar and harbour of Charlestown,*" passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four, be, and is hereby, repealed, and declared to be null and void, to all intents whatsoever. Part of a former Act repealed.

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of the proceedings, and the great delay consequently occasioned thereby; in order, therefore, that right and justice may be done to all parties, with more expedition, and at a less expense;

In what manner widows are to obtain their dower, or thirds.

I. *Be it enacted* by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and the General Assembly of the said State, and by authority of the same, That from and after the passing of this Act, it may be lawful for any woman who is entitled to dower or thirds of the lands of her deceased husband, to apply by petition to the judges of the court of common pleas, setting forth fully and particularly her right or claim thereto, and praying a writ of admeasurement thereof, to be directed to certain persons who shall be appointed for that purpose, that immediately thereupon any one of the judges of the said court shall issue a summons, to be directed to the heir at law of the deceased, if of full age, or to his or her guardian, if a minor, and in case there shall be no guardian, then to the executors or administrators of such deceased person, commanding him, her or them to appear at the next court of common pleas for the district where the lands are situated, that shall be held ten days after service of the summons above mentioned, and shew cause why the prayer of the said petition should not be granted; that on the return of the summons, if the heir at law or his or her guardian, (if the heir be a minor,) and in case there shall be no guardian, then to the executors or administrators of such deceased person, appears, and sufficient cause shall not be shewn against the petition, then the said court shall, without delay, cause a writ for admeasurement of dower to be issued and directed to six persons, three of whom shall be nominated by each of the said parties, commanding them, within one month thereafter, fairly, justly and impartially, according to the best of their judgment, to admeasure and mete out to the said petitioner, and put her in full and peaceable possession of, one third part of all the lands of her said deceased husband; and when they have so done, they shall immediately thereupon return a general plat of the said lands, with a certificate thereon in writing, under their hands and seals, describing the manner in which they have made the admeasurement as aforesaid, into the clerk's office of the said court, there to be recorded, and that the same shall be final and conclusive on all parties concerned therein. Provided always, that the said commissioners shall have power, and they are hereby authorized, in the admeasurement aforesaid, to have relation and regard to the true value of the lands in question; and when the same cannot be fairly and equally divided, without manifest disadvantage, then to assess a certain sum in money, in lieu of dower, to be paid by the heir at law.

In case of refusal or neglect of the heir, the court may appoint three commissioners.

II. *And be it further enacted* by the authority aforesaid, That the service of the summons shall be proved on oath by the person who served it, in open court, the day on which the same is returnable; and if neither the heir, or his or her guardian, (if he or she be a minor,) and in case there shall be no guardian, or the executors or administrators of such deceased person, shall appear on that day and shew cause as aforesaid, or, appearing, shall not assign sufficient cause against the petition, and shall refuse to nominate three persons, in the manner and for the purposes above directed, that then the said court shall appoint them, on behalf of such heir, guardian, executors or administrators, and they, together with those nominated by the petitioner, shall make such allotment and admeasurement as before required; and, having made due return thereof, the same shall be as effectual and binding on all parties as if done in the manner first above prescribed.

III. *And be it further enacted* by the authority aforesaid, That the persons who shall be appointed to make such admeasurement of dower, may, if they shall think it necessary, call in to their aid one or more surveyors, to run the lines of the said lands, and also the division lines thereof; and that the whole expense of making such admeasurement of dower as aforesaid, shall be borne and defrayed out of the estate of the heir at law.

A. D. 1777.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February 1777.*

*Assented to:* J. RUTLEDGE.

AN ACT to appoint Commissioners for opening and enlarging the communication between Ashley and Stono Rivers, and for clearing and deepening New Cut. No. 1045.

(Passed Feb. 13, 1777. *See last volume.*)

AN ACT FOR REPEALING CERTAIN PARTS OF AN ACT PASSED THE NINTH DAY OF APRIL, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND THIRTY-FOUR, ENTITLED "*An Act for the better settling and regulating of Pilotage, and for erecting and supporting Beacons near the Bar and Harbour of Charlestown;*" AND FOR ALTERING THE RATES OF PILOTAGE, AND ESTABLISHING PROPER PILOTS AND PILOT BOATS FOR THE SAID BAR AND HARBOUR. No. 1046.

WHEREAS, it is not only necessary, for the encouragement of proper persons to enter into the service of this State as pilots for the bar and harbour of Charlestown, that the fourth clause of an Act, passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four, respecting vessels and their cargoes which may be damaged by the default of pilots, who are made liable for the same, be repealed, and that some other regulation for that purpose be made, which may equally answer the same intent, but with less discouragement to those who are willing to act in such capacity; but also, that the rates of pilotage for the bar and harbour of Charlestown, established in the said Act, be altered, and such other regulations be made respecting the pilots and pilotage for Charlestown, as may render the same more beneficial to the trade and interest of this State;

Preamble.

I. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the fourth clause of an Act entitled "*An Act for the better settling and regulating of Pilotage, and for erecting and supporting beacons near the bar and harbour of Charlestown,*" passed the ninth day of April, in the year of our Lord one thousand seven hundred and thirty-four, be, and is hereby, repealed, and declared to be null and void, to all intents whatsoever. Part of a former Act repealed.

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Penalty on  
pilots for ne-  
glect or insuf-  
ficiency.

II. *And be it further enacted* by the authority aforesaid, That if any ship or vessel whatsoever, or the cargo or freight therein contained, shall happen to receive any damage or be lost through the neglect, insufficiency or default of or in any of the pilots for the port and harbour of Charlestown, after such pilot takes charge of the same, every such pilot or pilots shall, in every such case, forfeit and become liable to pay the penalty of his or their bond or bonds, together with the security to the same, given for the due execution of the said office of pilot, at the time of entering into the same; which said bond or bonds shall and may be sued for and recovered in any court of law in this State, by such master or masters, owner or owners of any such vessel or vessels, cargo or cargoes, so damaged as aforesaid, by such neglect, insufficiency or default, who shall sue for the same in the name of such person or persons to whom the said bond or bonds shall be given, who are hereby obliged to assign the same, on request made for that purpose by such master or masters, owner or owners, aforesaid.

Naval commis-  
sioners to pro-  
vide pilot boats.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the navy of this State for the time being, are hereby duly authorized, empowered and required to keep two good and sufficient pilot boats in the service of this State, at the expense of the same, for the use of the port of Charlestown; which said pilot boats (if they cannot be hired) the said commissioners are hereby empowered to purchase or build for the use aforesaid; and the said two boats, so hired, purchased or built as aforesaid, to man with a sufficient number of men, and to keep properly armed, victualled and otherwise provided, at the expense of this State.

Pilots forfeiting  
their bonds.

IV. *And be it further enacted* by the authority aforesaid, That no pilot employed in the service of this State shall, after having forfeited his bond given for the due execution of his office, by any neglect, insufficiency or default, aforesaid, be capable of acting as a pilot again, until he shall have given a new bond, in like manner and to the same purpose as the one so forfeited.

Rules to be  
observed by  
the pilots.

V. *And be it further enacted* by the authority aforesaid, That in order the easier and more readily to assist any vessels appearing off the bar, and bring them into the port of Charlestown aforesaid, the two pilot boats to be employed in the service of this State as aforesaid, under and by virtue of this Act, shall, each of them, alternately and successively, anchor each and every night as near as may be prudent and convenient to Sullivan's Island; and shall, afterwards, in the morning and day succeeding, go over the bar to sea, for the better discovering any vessel or vessels which may be off the same, and without delay, on discovering any vessel at sea which may be intended for the port of Charlestown, to find out and learn what such vessel or vessels is or are, and to give the necessary assistance, as pilots, aforesaid, if such vessel or vessels be not enemies.

A mark to be  
set up at the  
bar.

VI. *And be it further enacted* by the authority aforesaid, That a pole and basket shall be erected as a leading mark to the bar of Charlestown, in the place where formerly such mark was placed and stood.

Fees for pilot-  
age.

VII. *And be it further enacted* by the authority aforesaid, That the master or commander of any ship or vessel, for the consideration of the pilotage of the said ship or vessel inward to or outward from the ports of Charlestown, Georgetown or Beaufort, shall pay unto the licenced pilot or pilots, that shall take charge of the same, the several sum and sums of money, rates and prices, as in the following table are appointed, as full and ample satisfaction unto the said pilot or pilots, for his and their care and charge in the bringing in or carrying out every such ship or vessel over the said bar of Charlestown, Georgetown or Beaufort, and from

thence outward, distinctly and severally, according to the draught of water of the said vessel at the time of the said pilotage, viz.: For vessels drawing six feet water or under, inward or outward, five pounds; seven ditto to eight, seven pounds ten shillings; eight ditto to nine, nine pounds; nine ditto to ten, eleven pounds; ten ditto to eleven, thirteen pounds; eleven ditto to twelve, fifteen pounds; twelve ditto to twelve and a half, seventeen pounds; twelve and a half ditto to thirteen, nineteen pounds; thirteen ditto to thirteen and a half, twenty-one pounds; thirteen and a half ditto to fourteen, twenty-two pounds ten shillings; fourteen ditto to fourteen and a half, twenty-four pounds; fourteen and a half ditto to fifteen, twenty-five pounds ten shillings; fifteen ditto to sixteen, twenty-seven pounds; sixteen ditto to seventeen, thirty-seven pounds ten shillings; seventeen ditto to eighteen, fifty pounds.

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VIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force for the space of one year, and no longer.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to: J. RUTLEDGE.*

**AN ORDINANCE TO AMEND AN ORDINANCE PASSED THE NINETEENTH DAY OF OCTOBER LAST, ENTITLED “*An Ordinance for appointing Commissioners to stamp and sign One Hundred and Thirty Thousand Pounds currency, in dollars; and for empowering the President and Commander-in-chief for the time being, with the advice of the Privy Council, to borrow on loan any sum or sums not exceeding Five Hundred Thousand Pounds currency, at the rate of six pounds like money per centum per annum.*”** No. 1047.

WHEREAS, by an ordinance passed on the nineteenth day of October last, Maurice Simons, Peter Bocquet, William Scott, Jr., Anthony Toomer, Keating Simons, John Berwick and Benjamin Elliott, Esqs., were appointed commissioners for the stamping and signing the sum of one hundred and thirty thousand pounds current money of this State, in bills of the denominations therein mentioned; and whereas, several of the said commissioners, being members of the General Assembly, are unable to give that attention to the stamping and signing of the said bills, consistent with their attendance in the said General Assembly, as the said business and the exigencies of the State require, and it is thereby become necessary to increase the number of commissioners;

Preamble.

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That Paul Townsend, Thomas Evence, Richard Mercer, John Sandford Dart and Philip Neyle, be, and they are hereby appointed, additional commissioners, to stamp and sign the said bills. Additional commissioners appointed.

II. *And be it further ordained* by the authority aforesaid, That all bills issued under and by virtue of the said ordinance of the nineteenth of October last, which shall be signed by any two of the commissioners appointed

A. D. 1777. by this ordinance, or any one of them, and one of the commissioners appointed by the said ordinance of the nineteenth of October last, shall be a tender in law in all payments whatsoever

Penalty on  
counterfeiting.

III. *And be it further ordained* by the authority aforesaid, That any person who shall forge, counterfeit, alter, or utter, knowing them to be forged, counterfeited or altered, any of the said bills, shall, upon being duly convicted thereof, be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to :* J. RUTLEDGE.

No. 1048. *AN ORDINANCE* TO REPEAL A RESOLUTION PASSED BY CONGRESS ON THE ELEVENTH DAY OF JANUARY, 1775, AND TO PRESCRIBE A MODE FOR THE SECURING AND RECOVERING OF DEBTS.

Preamble.

WHEREAS, by a Resolution passed by the Congress at Charlestown, on the eleventh day of January, one thousand seven hundred and seventy-five, it was provided that no action for any debt should be commenced in the court of common pleas of this Colony, (now State,) nor any such action pending there, which was commenced since the then last September return, be proceeded in, without the consent of the committee of the parish or district in which the defendant resided; and whereas, such restraint was laid in favour of debtors who had contracted debts, having an opportunity of satisfying those engagements by the ready sale of their commodities, and therefore it was but equitable that they ought not to have been distressed by suits for such engagements, when the welfare of America occasioned such public measures to be adopted as deprived such debtors of the ability of paying their debts; and whereas, by the blessing of God, many of the commodities of this State are again of as ready sale as heretofore; and whereas, the restriction contained in the said resolution is found to be very detrimental to the creditor, by reason of the great distance at which, in many cases, he must apply, to obtain good security, or permission to sue for his debt, or by reason that committees, in many places, do not meet for the dispatch of such business, or occasion great delays therein, to the prejudice of the creditor; and whereas, such difficulties in the way of trade will be very prejudicial to the public good, injurious to the creditor, and encouraging to dishonest debtors to abuse their creditors; for remedy whereof,

Proceedings  
in actions for  
debt.

I. *Be it ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all that part of the said resolution restraining suits at law be, and it is hereby, repealed; and in lieu thereof, it is provided and ordained by the authority aforesaid, That if any suit shall be instituted and carried on against any debtor as aforesaid, and it shall appear that the defendant did, before the commencement of the said suit, offer to the plaintiff good and sufficient security for the debt sued, and also payment of the interest due upon it, being thereunto required by the plaintiff,

or his attorney, or his agent, at least fifteen days before the commencement of the suit, in such case, the defendant in court giving good and sufficient security for the debt sued, and paying the interest due thereon, the plaintiff shall be nonsuited, paying costs; but in case the defendant, after being thereunto required as aforesaid, not having offered such security and payment as aforesaid, before the commencement of the suit, offers such security and payment as aforesaid, pending the suit, such said security and payment being given and made in court, the suit shall be dismissed, and the defendant pay the costs.

A. D. 1777.

II. And whereas, the troubles in America may have, in many cases, prevented the institution of suits for the recovery of debts, agreeable to the limitation Act; *Be it therefore ordained* by the authority aforesaid, That the Act of limitation shall not bar any suits for debts, but such as were by that Act barred on or before the said eleventh day of January, one thousand seven hundred and seventy-five; nor shall the limitation Act be construed to bar any other suits, until the expiration of twelve months after the passing this ordinance.

Limitation Act  
not to bar cer-  
tain suits.

III. *And be it further ordained* by the authority aforesaid, That whenever a creditor has good reason to suspect that his debtor is about to withdraw or depart from this State, without paying his debt, or giving good security for the same, that in all such cases, such creditor, upon an affidavit verifying the truth of such suspicion, shall be at liberty immediately to commence a suit for the recovery of such debt, and to carry on such suit to judgment and execution, unless the defendant shall, pending the suit, pay the debt and costs, or pay the interest and costs, and give good and sufficient security for the payment of the principal, in either of which cases such suit shall be discontinued.

Debtors  
absconding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to:* J. RUTLEDGE.

AN ORDINANCE for appointing and empowering certain Trustees, therein named, to manage the funds of the congregation of Particular Baptists, in Charlestown. No. 1049.

(Passed February 13, 1777. *See last volume.*)

AN ORDINANCE APPOINTING COMMISSIONERS, IN MANNER THEREIN MENTIONED, TO CONCLUDE A PEACE WITH THE CHEROKEE NATION. No. 1050.

WHEREAS, in the progress of the present war between the United States of America and Great Britain, the Cherokee Indians, instigated thereto by the British authority, did, on the first day of July last, make a cruel war upon the western frontiers of this State, and also of the States of Virginia, North Carolina and Georgia, there massacring the inhabitants, men, women and children, indiscriminately; and whereas, by the blessing of God, the arms of the said last mentioned States have repelled their

Preamble.

A. D. 1777.

attacks, and drove them off their lands, and the said Indians, by their deputies sent to Charlestown, have applied for peace, and permission to return to the said lands; and whereas, this State hath been involved in war from necessity, and not from choice, and is ever ready to make peace upon just conditions; wherefore,

Commissioners  
to be chosen,  
to treat with the  
Cherokees.

I. *Be it ordained* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That five commissioners be chosen by ballot, jointly, by the Legislative Council and General Assembly, in the General Assembly; and they, or a majority of them, are hereby empowered to meet such commissioners as may be appointed by the States of Virginia, North Carolina and Georgia, or any of them, at some fit time and place, to be agreed upon and appointed by the Executive authority in each State, in Congress, with the Cherokee Indians, or their deputies, to conclude a peace with the Cherokee nation, upon such terms as may be just and equitable.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 13th day of February, 1777.*

*Assented to:* J. RUTLEDGE.

No. 1051. AN ORDINANCE for establishing an Oath of Abjuration and Allegiance.

(Passed Feb. 13, 1777. Printed in the first volume.)

No. 1052. AN ORDINANCE FOR BORROWING THE SUM OR VALUE OF FIVE HUNDRED THOUSAND POUNDS, AND FOR PRINTING OR STAMPING AND SIGNING THE VALUE OF FIVE HUNDRED THOUSAND POUNDS, IN DOLLAR BILLS, IN MANNER THEREIN MENTIONED.

Preamble.

WHEREAS, the necessary war in which this State is engaged with Great Britain ought to be prosecuted by the most active exertions of the public abilities; and as it may happen that, besides the sums of money already provided for the public service, other sums of money may be necessary, and therefore ought to be granted;

The President  
impowered to  
borrow £500,  
000.

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That his Excellency the President, by the advice of the Privy Council, be, and he, with the advice aforesaid, is hereby enabled to borrow the sum of five hundred thousand pounds currency, for the public service, upon the terms specified by an Act passed the twenty-third day of January, one thousand seven hundred and seventy-seven, entitled "An Act to alter and amend an Act of the General Assembly of this State, passed the twenty-third day of December, one thousand seven hundred and seventy-six, entitled an Act for appointing

commissioners to print or stamp and sign bills to the amount and value of three hundred and eight thousand Spanish milled Dollars, immediately, and for printing or stamping and signing another sum, to the amount and value of three hundred and seven thousand three hundred and eighty-four Spanish milled Dollars, in four months, if the same or the value thereof cannot be borrowed by the commissioners of the treasury by that time."

A. D. 1777.

II. *And be it ordained* by the authority aforesaid, That his Excellency the President, by the advice of the Privy Council, be, and he is hereby, enabled to cause bills to the amount and value of three hundred and eight thousand Spanish milled dollars to be printed or stamped, in dollar bills, and to appoint commissioners for signing and numbering the said bills, which said bills shall be signed by the said commissioners, or any two of them.

\$308,000 to be printed, in dollar bills.

III. *And be it further ordained* by the authority aforesaid, That the said dollar bills, so signed and numbered as aforesaid, shall be lawful tender in all payments; and that any person or persons who shall counterfeit, alter or erase the said dollar bills, or utter any such bill or bills, knowing the same to be counterfeit, altered or erased, every such person or persons convicted thereof shall suffer death as a felon, without benefit of clergy.

Said bills to be a lawful tender.

IV. And whereas, some evil-minded persons, inimical to the liberties of the United States of America, have endeavoured to depreciate the bills of credit of this State; to prevent which, *Be it further ordained* by the authority aforesaid, That if any person within this State shall attempt to depreciate or undervalue any of the bills of credit aforesaid, by offering, demanding or receiving more in any of the said bills in exchange for Spanish milled dollars, or other coins of gold or silver, or bullion, than the nominal value or amount thereof, as stated in the said bills, computing a Spanish milled dollar at thirty-two shillings and six pence, and other coins of gold and silver, and bullion, at the value in proportion to dollars at which they pass in this State, or at which they are or may be fixed by the Congress of the United States of America; or by offering, demanding or receiving, directly or indirectly, a greater sum in any of the said bills, for any houses, lands, goods or commodities whatsoever, than the same could be purchased at of the same person or persons in gold or silver money; or whoever shall sell or offer to sell house, land, or any kind of commodity, for specie, and shall refuse to sell and dispose of the same for any of the said bills; every such person so offending shall forfeit the full value of the money so exchanged, or the houses, lands, goods or commodities so sold or offered to sale; one half to the use of this State, and the other half to any person who shall sue for and prosecute the same to effect; to be recovered by bill or plaint, in any court of record in this State.

Penalty on any person depreciating the said bills.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 14th day of February, 1777.*

*Assented to :* J. RUTLEDGE.

A. D. 1777.

No. 1053. *AN ORDINANCE TO CARRY INTO EFFECT AN ORDINANCE ENTITLED*  
*"An Ordinance to direct the manner of procuring Negroes to be employed*  
*in the public service."*

Preamble.

WHEREAS, on the ninth day of October last, an ordinance was passed, entitled "An Ordinance to direct the manner of procuring negroes to be employed in the public service;" and whereas, it hath been found that the said ordinance hath not produced the effect intended, by reason that in some places committees have not acted or have been dilatory in the execution of the said ordinance, to the great prejudice of the public; for remedy whetoeof,

The President  
to appoint com-  
mittees to carry  
the said ordi-  
nance into effect.

I. *Be it ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That whenever and as often as his Excellency the President, by virtue of the authority in him vested by the said ordinance, shall issue or have occasion to issue requisitions for negroes for the public service, and there shall not be any acting committee in the parish or district from which such negroes shall be required; or if, in such parish or district, the committee shall, for the space of ten days, be dilatory in furnishing the negroes so required; in any and every such case, his Excellency the President, with the advice of the Privy Council, shall nominate and appoint, from time to time, fit and proper persons in any and every such parish or district, to carry into execution the said ordinance, in as full and ample manner as any committee might or could, by virtue of the said ordinance; any thing therein contained to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 14th day of February, 1777.*

*Assented to:* J. RUTLEDGE.

No. 1054. *AN ORDINANCE IMPOSING PENALTIES ON SUCH PERSONS AS SHALL VIOLATE THE CONTINENTAL ASSOCIATION BY HORSE RACING.*

Preamble.

WHEREAS, on the twentieth day of October, one thousand seven hundred and seventy-four, the honorable the Continental Congress did, on the part of the then United Colonies, (now free and independent States,) associate, agree and declare against every species of extravagance and dissipation, especially all horse-racing; and whereas, besides the penalty prescribed in the said association for any violation thereof, it is necessary that fines, forfeitures and penalties should also be laid;

Penalty on  
horse-racing.

I. *Be it therefore ordained*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That if any person or persons shall violate the said association, from and after the passing of this ordi-

nance, by any manner of horse-racing, he or they shall forfeit all such sum or sums of money as he or they shall bet, and also such horse, mare, gelding, colt or filly as shall be so run, to be recovered in any court of record in this State, by bill or plaint; one half of which penalties and one half of the value of which forfeitures, so recovered, for the use of the person or persons suing for the same, and the other half for the use of the State: provided, the penalties and forfeitures inflicted by this ordinance be sued for within two months after the offence shall have been committed.

A.D. 1777.

II. *And be it further ordained* by the authority aforesaid, That this ordinance shall be and continue of force for and during the full end and term of three years from passing thereof, and no longer.

Limitation.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATTHEWS, *Speaker of the General Assembly.*

*In the Council Chamber, the 14th day of February, 1777.*

*Assented to:* J. RUTLEDGE.

**AN ACT TO PROHIBIT THE SALE OF GOODS, WARES AND MERCHANDIZES, No. 1055.  
BY PUBLIC VENDUE, IN THIS STATE.**

WHEREAS, the sale of goods, wares and merchandizes, by public vendue, by the common practice of persons buying up and engrossing, at such sales, large quantities of commodities, at extravagant prices, without regard to their value, with a view of obtaining an unreasonable advance in retailing the same to such as are in want of them, hath not only raised the price of almost every necessary article to a most exorbitant and expensive height, whereby it is extremely difficult for the poor and industrious to procure the common conveniences of life, but hath tended greatly as well to depreciate the currency of the Continent and of this State, as to the impoverishment of many honest handicrafts-men and others, who, by mis-spending and loitering their time, in expectation of gaining bargains at such sales and outcries, have greatly neglected their respective occupations; for remedy whereof, and for prevention of such evils and inconveniencies,

Preamble.

I. *Be it enacted*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Act, no public vendue or auction of goods, wares or merchandizes, shall be held or made, any where within this State, by any person or persons whomsoever, except as is hereinafter excepted by this Act.

No public vendue to be held in the State, with certain exceptions.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall, contrary to the directions of this Act, expose to sale, or sell, or cause or procure any other person or persons to expose to sale or sell, by public vendue or outcry, any goods, wares or merchandizes, (except as hereinafter excepted,) all and every such person or persons in any such case so offending shall, for every such offence, forfeit and pay the

Penalty on selling goods, &c. by vendue.

A. D. 1777.

sum of five thousand pounds current money of the State aforesaid, to be recovered by action of debt, bill or plaint, by any person who will sue for the same, in any court of record in this State, wherein no privilege, protection, essoign, wager of law, or any more than one imparlance, shall be admitted or allowed; the one half of which forfeiture shall be for the use of such person suing for the same, and the other half shall be paid into the treasury of this State, for the use of the State.

Sheriffs and other officers may sell goods taken on execution, &c. by public vendue.

III. *Provided always, and it is hereby further enacted*, That nothing herein contained shall extend, or be construed to extend, to hinder any sheriff, constable or other officer, acting under legal authority, from selling and disposing of, at public vendue, any goods, wares or merchandizes, taken and seized on execution, and liable to be sold by order of any law or judgment, or decree of any court, either of law or equity, of this State; or to hinder any person or persons from selling or exposing to sale, by public vendue or otherwise, any goods or chattels whatsoever, taken and distrained for rent in arrear; or to prevent the public sale of any ship, vessel or goods whatever, seized, libelled and condemned in the court of admiralty of this State, as lawful prize, or otherwise forfeited by the laws of this State, or the resolves of the honorable the Continental Congress, relative to the capture of prizes, or the regulation of trade, or any other ship or vessel; or to prohibit any lawful executor or executors, administrator or administrators, from exposing to sale, by public vendue, any goods or chattels which were of their respective testator's or intestate's; or to prevent any person or persons from selling, at public sale, their lands, tenements, live stock, negroes, books, household furniture, or damaged goods; any thing herein contained to the contrary notwithstanding.

Further exceptions.

IV. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prohibit any merchant, trader or factor, who really has occasion to finish an account of sale of any goods, wares or merchandizes, and shall make oath before the Secretary of this State for the time being, who is hereby impowered to administer such oath, that such goods, wares or merchandizes have been actually in the store of such merchant, trader or factor, making such oath, for sale, for the space of one whole year; in which case, every such merchant, trader or factor shall be at liberty to sell and dispose of, at public sale, such goods, wares and merchandizes, so sworn to as aforesaid, in manner as if this Act had never been made.

General issue may be pleaded.

V. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall be sued or prosecuted for any matter or thing by him or them done by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for such person or persons to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs shall discontinue his, her or their action, become nonsuit, or a verdict shall pass against him or them, the court in which such action shall be sued or commenced shall tax and allow to every such defendant or defendants, his, her or their double costs of suit, for which the said defendants shall have like remedy as by law is given to other defendants.

Limitation.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force until the first day of January, one thousand seven hundred and seventy-nine, and no longer.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 22d day of August, 1777.*

*Assented to: J. RUTLEDGE.*

A. D. 1777.

AN ACT for laying out, making and keeping in repair a Public Road in that part of St. Peter's Parish from King Creek to the plantation of John Allen, in the said parish, and from thence continued to Coosawhatchie Bridge; also, that another Road be laid out from the said Allen's to the Two Sisters' Ferry.

No. 1056.

(Passed August 22, 1777. See last volume.)

AN ORDINANCE FOR APPOINTING A NEW LIST OF JURY-MEN FOR THE DISTRICT OF NINETY-SIX, AND TO EMPOWER AND DIRECT THE JUDGES OUT OF THE SAME TO DRAW A GRAND AND PETIT-JURY, TO SERVE AT THE NEXT COURT OF GENERAL SESSIONS, TO BE HOLDEN FOR THE SAID DISTRICT, ON THE FIFTEENTH DAY OF NOVEMBER NEXT.

No. 1057.

WHEREAS, by the death and removal of several persons who were heretofore inhabitants of the district of Ninety-Six, and liable by law to serve on juries for the said district, the number are so reduced that there are not remaining on the lists persons sufficient to make out a grand jury, and the list of petit jury are so diminished as to render the service very unequal and burthensome on those whose names are inserted therein, while at the same time many reputable and proper persons who have become settlers and inhabitants in the said district, and others who have arrived at full age since the last lists were made out, altogether escape doing any duty in that respect, and the judges, from the causes aforesaid, have been prevented at the last holding of the court in that district to draw a grand and petit jury for the next court, as by law they were required to do; and whereas, it would be extremely hurtful to the public, as well as to individuals who have or may have business depending at the said court, to be delayed for want of a jury to transact the necessary business of the said court on the day appointed by law, for remedy whereof,

Preamble.

I. *Be it ordained* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That the several persons whose names are inserted in the first schedule or list hereunto annexed, entitled a list of grand-jurymen, shall be drawn by ballot, impannelled, summoned and obliged to serve on all grand juries at the circuit courts to be holden hereafter for the district of Ninety-Six; and the several persons whose names are inserted in the second schedule or list hereunto annexed, entitled a list of petit-jurymen and jury-men in civil causes, shall be drawn by ballot, impannelled, summoned and obliged to serve on all petit and other juries and inquests whatsoever, for the said district of Ninety-Six; and that the several persons whose names are inserted in the third schedule or list hereunto annexed, entitled a list of special jury-men, shall be summoned, returned and obliged to serve as tales-men, in all cases where tales are allowed by law, for the said district of Ninety-Six.

Mode of appointing grand-jurymen, petit-jurymen, &c.

II. *And be it further ordained* by the authority aforesaid, That as soon as may be after the passing of this Act, the judges, or a majority of them, shall cause to be written on small pieces of paper, of an equal size and

A.D. 1777.

Names of jury-  
men, how  
drawn.

bigness, the names of all the persons hereby appointed to serve as jury-men, and having first diligently compared them with the list or schedule hereunto annexed, shall cause them to be put in a box or chest to be prepared for that purpose, with proper divisions made therein, which shall be marked on the cover, to denominate to what jury they belong; and the said judges, or a majority of them, out of the persons appointed to serve on juries as aforesaid, shall cause to be drawn a grand and petit jury, and jury for civil causes, to serve at the next court to be holden for the said district of Ninety-Six, which drawing shall be at the court room in the State House in Charlestown, on the twenty-seventh day of this present August, between the hours of ten in the forenoon and two in the afternoon, by a child under the age of ten years, agreeable to the usual practice of drawing juries.

Jury-men so  
drawn are to be  
held legal and  
competent.

III. *And be it further ordained* by the authority aforesaid, That the juries so drawn shall be summoned, returned and impannelled, to serve at the said court for the district of Ninety-Six, to be holden on the fifteenth day of November next; and shall be held, reputed, taken and deemed in law, to all intents and purposes whatsoever, as competent and legal, and all their acts and verdicts of as full force, validity and effect as if the jury had been drawn at the same time and place prescribed by any former law, rule, usage or practice of the said court, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Manner of  
drawing juries  
hereafter.

IV. *And be it further ordained* by the authority aforesaid, That from and after the first drawing of the jury in manner and form as aforesaid, for holding the next court at Ninety-Six, on the fifteenth day of November next, the jury thereafter, from time to time, out of the list hereby established, shall be drawn, summoned, returned and impannelled agreeable to, and in manner and form, and at the times and place directed and prescribed by the Act called the Circuit Court Act, or any other Acts in force relative thereto, any thing herein contained to the contrary notwithstanding; and shall be entitled to all the privileges, and subject and liable to all the duties, fines, pains and penalties which are allowed, enjoined and inflicted by the laws of this State on jury-men.

(The list of the Jurors' names is omitted.)

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 22d day of August, 1777.*

*Assented to:* J. RUTLEDGE.

No 1058. *AN ORDINANCE* to EMPOWER THE COMMISSIONERS OF THE TREASURY TO BORROW, UPON THE CREDIT OF THE STATE, THE SUM OF FIVE HUNDRED THOUSAND POUNDS.

WHEREAS, it is necessary to equip frigates for the service of the State, and to provide money for the same; wherefore,

I. *Be it ordained* by his Excellency John Rutledge, Esq., President and Commander-in-chief of South Carolina, by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That the commissioners of the treasury be empowered to receive on loan to the State, the sum of five hundred thousand

pounds current money, granting indents for the same, for not less sums than one thousand pounds each, bearing interest at the rate of seven pounds per centum per annum, to be repaid by the State in the manner specified in an Act of the General Assembly, passed the twenty-eighth day of January, one thousand seven hundred and seventy-seven, entitled "An Act to alter and amend an Act of the General Assembly of this State," passed the twenty-third day of December, one thousand seven hundred and seventy-six, entitled "An Act for appointing commissioners to print or stamp and sign bills to the amount and value of three hundred and eight thousand Spanish milled dollars, immediately, and for printing or stamping and signing another sum, to the amount and value of three hundred and seven thousand three hundred and eighty-four Spanish milled dollars, in four months, if the same or the value thereof cannot be borrowed by the commissioners of the treasury by that time."

A. D. 1777.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, this 23d day of August, 1777.*

*Assented to: J. RUTLEDGE.*

# **AN ORDINANCE TO PROHIBIT THE IMPORTATION OF BRITISH GOODS, No. 1059.**

FOR DISTRIBUTION OF MONIES ARISING FROM THE SALE OF FORFEITED GOODS AND MERCHANDIZES, AND OTHER PURPOSES.

WHEREAS, during the present unnatural war, carried on by Great Britain against the United States of America, it would be highly impolitic, as well as injurious to the interest and safety of the said States, that any commercial intercourse should be carried on by this State with any of the dominions of the King of Great Britain, and it is necessary, in order to prevent the same, that proper regulations be established by law for the discovery and punishment of all persons who shall in any such manner offend;

Preamble.

I. *Be it therefore ordained* by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That all goods, wares and merchandizes which shall be imported into this State, contrary to the regulations established by the honorable the Continental Congress and the laws of this State, and thereby become forfeited, shall, after condemnation thereof, be sold, and the monies arising from such sales be disposed of in the following manner, (that is to say) one fourth shall be to the use of such person or persons giving information of such goods so imported, and prosecuting the same to condemnation in the court of admiralty of this State; and the remainder of the said monies shall be paid into the public treasury, for the use of this State: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to any capture or captures made in any port or harbour of this State, by any Continental vessel of war, or any vessel of war of this State, or any private vessel of war, fitted out by private persons.

Goods, &c. imported from Great Britain, to be seized and forfeited.

A. D. 1777.

Money raised  
by the sale of  
vessels, goods,  
&c. seized,  
how to be dis-  
posed of.

II. *And be it further ordained* by the authority aforesaid, That the money arising from the sale of any ship or vessel, her tackle, furniture and apparel, and any goods, wares and merchandizes, already seized in any of the ports and harbours of this State, and condemned and sold as forfeited, according to the resolves of the honorable the Continental Congress, shall be distributed and disposed of in the following manner, (that is to say) one fourth thereof to the use of the person who hath given information of and prosecuted the same to condemnation, and the remainder of the said monies shall be paid into the public treasury, for the use of this State.

Two more navy  
commissioners  
to be chosen.

III. And whereas, it is expedient and necessary that the present number of commissioners appointed for the direction and superintendence of the navy of this State, should be increased to nine, the present number of seven rendering it difficult to form a quorum for the dispatch of business; *Be it therefore ordained* by the authority aforesaid, That immediately after the passing of this ordinance, two persons shall be chosen, in manner and form directed by law, as commissioners for the superintendence of the navy of this State, in addition to the number of commissioners already prescribed by law; who shall have and exercise all the powers, privileges and authorities incident to and vested in the said office of commissioner of the navy by any law of this State.

Power of the  
commissioners.

IV. *And be it further ordained* by the authority aforesaid, That instead of seven there shall hereafter be nine commissioners for the superintendence and direction of the navy of this State; which said commissioners, or any three or more of them, are hereby vested with all the powers and authorities which any commissioners of the navy have hitherto legally held or exercised; any law, custom or usage in any wise to the contrary notwithstanding.

Seamen enti-  
tled to prize  
money, who are  
taken prison-  
ers, to receive  
their share from  
the public  
treasury.

V. And whereas, by an Act of the General Assembly of this State, passed the thirteenth day of February, one thousand seven hundred and seventy-seven, entitled "An Act to empower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said court in cases of capture, and for other purposes therein mentioned," it is thereby enacted, that if any mens' shares shall remain in the hands of the agents and marshal for the space of nine months after such notice, without being legally demanded, then such share or shares so remaining in the agent and marshal's hands, as aforesaid, shall be paid into the public treasury, for the use of this State; *Be it further ordained* by the authority aforesaid, That the said clause is hereby declared not to extend to such seamen as have been or shall be taken prisoners on board any vessel of war of this State, before the time limited for the payment of such seamen's distributive share of prize money: Provided always, that such seaman's share, so taken prisoner as aforesaid, shall, nevertheless, be paid into the public treasury, there to remain until claimed by him or them respectively.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 23d day of August, 1777.*

*Assented to:* J. RUTLEDGE.

A.D. 1778.

AN ACT to alter and amend an Act of the General Assembly of this State, passed the 23d day of December, 1776, entitled "An Act for appointing commissioners to print or stamp and sign bills to the amount and value of 308,000 Spanish milled Dollars, immediately; and for printing or stamping and signing another sum, to the amount and value of 307,384 Spanish milled Dollars, in four months, if the same, or the value thereof, cannot be borrowed by the commissioners of the treasury by that time.

(Passed Jan. 28, 1778. The original not now to be found.)

AN ORDINANCE FOR THE MORE SPEEDY AND EFFECTUAL MANNING  
THE NAVY. No. 1061.

WHEREAS, there is good cause to imagine that many seamen and mariners have been prevented from entering on board Continental vessels of war and armed vessels in the service of this State, by reason of their having previously engaged to serve private persons under penal articles, for the breach of which they would be subject to actions at law; in order, therefore, to remove such inconvenience,

Preamble.

I. *Be it ordained*, by His Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and the General Assembly of the said State, and by authority of the same, That no seaman or mariner, who shall enter on board any Continental vessel of war, or any armed vessel in the service of this State, shall be sued or in any manner molested for or by reason of any article or agreement which he hath made or may make to proceed on any cruise or voyage, or to work on board of any private ship or vessel; but all such articles and agreements shall, as to such seamen and mariners, be absolutely null and void.

Seamen on board armed vessels not to be sued for any private contract.

II. *And be it further ordained* by the authority aforesaid, That no seaman or mariner, for such entry, shall forfeit any wages or any share of prize money which shall be due to him for his service on board such private ship or vessel; any law, usage, custom or agreement to the contrary thereof in any wise notwithstanding.

And shall recover their wages or shares due from private vessels.

III. *And be it further ordained* by the authority aforesaid, That this ordinance shall be and continue of full force until the last day of February, in the year of our Lord one thousand seven hundred and seventy-nine, and no longer.

Limitation.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 26th day of January, 1778.*

*Assented to:* J. RUTLEDGE.

A. D. 1778.

**No. 1062. AN ORDINANCE TO ENABLE THE COMMISSIONERS OF THE TREASURY TO BORROW ON LOAN, FOR THE PUBLIC SERVICE, THE SUM OF FIVE HUNDRED THOUSAND DOLLARS.**

WHEREAS, it is necessary, for the service of this Government, that a sum of money should be borrowed upon the public faith : wherefore,

I. *Be it ordained*, by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That the public treasurers shall receive on loan, for the use of this Government, from such person or persons as are or may be disposed to lend the same, any sum or sums not exceeding five hundred thousand dollars : for payment whereof, and the interest upon the same, at the rate of seven pounds per cent. per annum, the public faith is hereby pledged ; and the loans shall be received, and indents for the same shall be granted, as specified in an ordinance passed the twenty-third day of August, one thousand seven hundred and seventy-seven, entitled "An Ordinance to empower the commissioners of the treasury to borrow, upon the credit of this State, the sum of five hundred thousand pounds."

A loan of  
\$500,000 to be  
procured.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 6th day of February, 1778.*

*Assented to : J. RUTLEDGE.*

**No. 1063. AN ACT TO REPEAL AN ACT ENTITLED "An Act to prohibit the Sales of Goods, Wares and Merchandizes, by Public Vendue, in this State," PASSED THE 22d DAY OF AUGUST, A. D. 1777 ; ALSO, AN ORDINANCE IMPOSING PENALTIES ON HORSE-RACING, PASSED THE 14th DAY OF FEBRUARY, 1777 ; AND TO REGULATE IN FUTURE THE SALES OF GOODS, WARES AND MERCHANDIZES, BY PUBLIC VENDUE.**

**Preamble.** WHEREAS, an Act was passed during the last sitting of the present Assembly, entitled "An Act to prohibit the sales of goods, wares and merchandizes by public vendue in this State," which has not effected the salutary purposes for which it was made ;

**Former Vendue Act repealed.** I. *Be it therefore enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the said Act be, and it is hereby, repealed, and declared null and void, and of no effect whatever.

**Vendue sales to be held only on Tuesdays and Thursdays.** II. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons whomsoever, hereafter, to sell, or expose to sale, by public vendue, in Charlestown, any sorts of goods, wares and merchandizes, whatsoever, on any other days in the week than upon Tuesdays and Thursdays, under the pain of forfeiting the sum of five hundred pounds current money, for every offence, to be recovered by

action of debt or information, in any court of record in this State, by any person or persons who will sue for the same, to his or their own use. A. D. 1778.

III. And whereas, a practice hath heretofore prevailed among vendue masters, of setting up to sale large quantities of goods, wares and merchandizes, in one lot, whereby shop-keepers are alone enabled to purchase at such sales, and persons who are desirous of buying merely for the use of their families, are thereby prevented; for remedy of so great an evil, therefore, *Be it enacted* by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any person or persons whomsoever, to set up to public sale, in one lot, more than one piece of any sort of woollen, cotton or linen cloth, or more than one dozen of such other kinds of goods, wares or merchandizes, as are usually put up or sold by the dozen, and so in the same proportion as to quantity, quality or value of any other kind of goods, on pain of forfeiting the whole of such goods, so exposed to sale in such lot or lots, to the sole use of any person or persons who will seize the same. Goods to be sold by the piece or dozen.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any matter or thing by him or them done in pursuance of the directions of this Act, it shall and may be lawful for such person or persons to plead the general issue, and to give this Act and the special matter in evidence; and if the plaintiff or plaintiffs shall discontinue, become non-suit, or a verdict shall pass against him or them, the defendant or defendants shall be entitled to recover his or their double costs of suit, and to have the like remedy for them as by law is given to other defendants. General issue may be pleaded.

V. *And be it further enacted* by the authority aforesaid, That an ordinance of the General Assembly, passed the fourteenth day of February, one thousand seven hundred and seventy-seven, entitled "An Ordinance imposing penalties on horse-racing," be, and the same is hereby, repealed, to all intents and purposes whatsoever. An ordinance against horse-racing, repealed.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for two years from the passing thereof, and no longer. Limitation.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 6th day of February, 1778.*

*Assented to: J. RUTLEDGE.*

AN ACT to make and keep in repair a Road from Ninety-Six Court House to the Mill of George Reed, on Long-Cane Creek, and from thence to Pratt's Mill, on the north-west fork of Long Cane; and also from Joseph Wardlaw's to John Calhoun's Mill, on Coronaka, and from thence to Roswood's Mill, on Saluda River, No. 1064.

(Passed March 5, 1778. See last volume.)

A. D. 1778.

No. 1065. *AN ACT* FOR VESTING SIX HUNDRED ACRES OF LAND, WHEREON THE IRON WORKS OF JOSEPH BUFFINGTON ARE, IN THE TREASURERS OF THIS STATE, FOR AND UPON CERTAIN USES AND TRUSTS; AND ALSO VESTING ANOTHER PARCEL OF LAND IN THE SAID TREASURERS, FOR THE USE OF THIS STATE.

Preamble.

WHEREAS, the late Congress of this State, desirous of encouraging the manufacture of iron within the same, have advanced, on loan, to Joseph Buffington, of Lawson's Fork, in the said State, the sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence current money, for the carrying on of such manufactory, on condition that William Woffard and others, having any title to fifty acres of land conveyed to the said Joseph Buffington by James Macilroy, and whereon the said iron works were supposed to be erected at the time of such loan, should release such their title therein to the said Joseph Buffington; and the said Joseph Buffington, in consequence of such resolve, hath mortgaged to the public treasurers of the State aforesaid, the said fifty acres of land, and a tract of one thousand acres conveyed to him by Thomas Ferguson, Esq. as a security for the said sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence, and in trust that, if the said Joseph Buffington should not pay into the treasury of the State aforesaid the said sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence, within four years from the time of such mortgage, the said fifty acres of land and the iron works thereon, and the said tract of one thousand acres, should be then sold by the treasurers of the State for the time being, for the payment of the said sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence, paying the overplus to the said Joseph Buffington, according to the said resolve of Congress; and whereas, it is now found that the said iron works, by some mistake, are not erected within the limits of the said Joseph Buffington's tract of fifty acres, conveyed to him by the aforesaid James Macilroy, as aforesaid, and by him mortgaged as aforesaid, but are without the same, and on lands not granted, but still vacant, on Lawson's Fork, a branch of Pacolet river, in the State aforesaid; and that William Woffard hath, by fraudulent means, by warrant of survey, obtained in the name of Thomas Waddill, for the surveying of six hundred acres, and by another warrant of survey, in the name of Robert Hamet, for the surveying of five hundred and fifty acres, endeavoured to obtain a grant for the nominal number of eleven hundred and fifty acres of land, contiguous to the aforesaid tract of fifty acres, but in fact for a larger quantity of acres, so as to include the said iron works, to the great injury of the said Joseph Buffington, and to the prejudice of the security which is given by him for the payment of the aforesaid sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence; for remedy whereof, and in order the more effectually to accomplish the end of the said resolve of Congress, and the agreement of the said Joseph Buffington,

I. *Be it enacted* by his Excellency John Rutledge, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That immediately after the passing of this Act, it shall and may be lawful for the public treasurers of this State for the time being, and who are hereby directed and required, to appoint

The aforesaid  
lots to be accurately surveyed.

a lawful surveyor to make a just and accurate survey of the number of acres contained in the survey already made by the aforesaid William Woffard, and ascertain the exact number of acres contained in such survey, and also to parcel off from the said number of acres, so surveyed, the quantity of six hundred acres, in a distinct parcel or body, contiguous to the fifty acres conveyed to Joseph Buffington by James Macilroy, as aforesaid, so as to include the iron works of the said Joseph Buffington; such survey to be returned, duly certified on oath, into the treasury of this State, within four months thereafter. A. D. 1778.

II. *And be it further enacted* by the authority aforesaid, That the parcel of six hundred acres of land, so to be surveyed as aforesaid, together with all the buildings and improvements thereon, shall, immediately after and from the time of such survey, become and is hereby declared to be vested in the commissioners of the treasury of the State aforesaid, and their successors in the said office of treasurers, for the following uses and purposes, (that is to say,) in trust that if the said Joseph Buffington shall, within four years next ensuing, from the eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy-six, pay into the public treasury of this State, for the use of the same, the aforesaid sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence, without interest, that then and in such case the said six hundred acres of land, with the buildings thereon, as aforesaid, shall become vested in and remain the property of the said Joseph Buffington, his heirs and assigns, for ever; but if in case the said Joseph Buffington shall not pay the said sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence, within the time limited as aforesaid, that then and in such case the said commissioners of the treasury of the State aforesaid, or their successors, shall sell and dispose of the same for the payment of the said sum of six thousand three hundred and eighty-one pounds eight shillings and ten pence; and the balance of the money arising from such sale, after deducting the usual commissions, shall be paid by the said commissioners of the treasury to the said Joseph Buffington, his heirs or assigns. Land vested in the public treasurers, for certain uses and purposes.

III. *And be it further enacted* by the authority aforesaid, That after parcelling and allotting the aforesaid tract of six hundred acres, in manner as aforesaid, the remainder of the number of acres found by the survey to be made and returned into the treasury of this State as aforesaid, shall become, and is hereby declared to be, vested in the commissioners of the treasury of the State aforesaid, in trust, and to and for the uses of the said State. Disposal of overplus of land, after the survey.

IV. *And be it further enacted* by the authority aforesaid, That any grant which shall hereafter be made of any of the lands before mentioned, and to be so surveyed as directed by this Act, by any person hereafter empowered to grant any of the lands of this State, shall be null and void, and of no force or effect whatever. Grants of the said land, hereafter made, declared null and void.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 5th day of March, 1778.*

*Assented to:* J. RUTLEDGE.

A. D. 1778.

No. 1066. AN ACT for incorporating a Society commonly called the Catholic Society.

(Passed March 5, 1778. See last volume.)

No. 1067. AN ORDINANCE TO PREVENT THE OPERATION OF THE LIMITATION ACT UNTIL THE 15th DAY OF FEBRUARY, 1779, IN MANNER THEREIN MENTIONED.

Preamble.

WHEREAS, in and by an ordinance passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, it was ordained, that the Act of limitation shall not bar any suits for debt but such as were by that Act barred on or before the eleventh day of January, one thousand seven hundred and seventy-five, nor shall the limitation Act be construed to bar any other suit, until the expiration of twelve months after the passing the said ordinance; and whereas, the ends of that provision, for such stay of the operation of the said limitation Act, have not been attained, and further provision is therefore necessary;

Limitation Act  
not to be of  
force till 15th  
Feb. 1779.

I. *Be it ordained*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly, and by the authority of the same, That the Act of limitations shall not, before the fifteenth day of February, in the year of our Lord one thousand seven hundred and seventy-nine, bar any cause of action, but such as were barred by the said Act on or before the said eleventh day of January, in the year of our Lord one thousand seven hundred and seventy-five.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 5th day of March, 1778.*

*Assented to:* J. RUTLEDGE.

No. 1068. AN ACT for clearing and making navigable Tulifny Creek, from the Bridge known by the name of Tulifny Bridge, to the Mill Dam of Barnard Elliott, Esq.

(Passed March 5, 1778. See last volume.)

No. 1069. AN ACT for opening the navigation of Lynch's and Clark's Creeks, and for appointing commissioners for superintending the same.

(Passed March 5, 1778. See last volume.)

A. D. 1778.

## AN ACT FOR INCORPORATING THE SALEM SOCIETY.

No. 1070.

(Passed March 16, 1778. See last volume.)

## AN ACT FOR ESTABLISHING A PARISH IN CRAVEN COUNTY, BY THE NAME OF ALL SAINTS. No. 1071.

WHEREAS, sundry inhabitants on Waccamaw Neck, in the Parish of Prince George, by their petition to the General Assembly, have represented many inconveniences which they are under for want of having the said parish divided, and that part thereof known by the name of Waccamaw, established into a separate parish,

Preamble.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, and by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That immediately from and after the passing of this Act, a parish shall be laid out and established in Craven county, in the following manner, (that is to say,) all the lands which lie between the sea and Waccamaw River, as far as the boundary line of North Carolina, and that the said parish shall hereafter be called and known by the name of All Saints; and the inhabitants thereof shall and may use, exercise and enjoy all the rights, privileges and immunities that the inhabitants of any other Parish do or can use, exercise or enjoy, by the laws of this State.

A Parish to be established in Craven county, by the name of All Saints.

II. And whereas, the commissioners of the public roads in the Parish of Prince George, are by law impowered to build a new causey instead of that commonly called Lynch's causey, and to assess all the male persons between sixteen and sixty years of age, residing in the said Parish of All Saints, for making the said causey; *Be it therefore enacted* by the authority aforesaid, That the inhabitants of the Parish of All Saints shall be subject to the said assessment, notwithstanding the passing of this Act, after payment of which assessment they shall not be liable to any other charge for or concerning the said causey.

Parishioners to be assessed for a new causey.

III. *And be it also enacted* by the authority aforesaid, That the expense of maintaining the poor at present upon the said Parish of Prince George, shall be borne and defrayed by the inhabitants of both the Parishes of Prince George and All Saints; and that all such moneys as have been received by the church-wardens and vestry of the Parish of Prince George, and have not yet been expended, shall be equally divided between the said Parishes of Prince George and All Saints.

Poor to be maintained by both Parishes.

IV. *And be it also enacted* by the authority aforesaid, That from and after the dissolution of the present General Assembly, the inhabitants of the Parish of Prince George, qualified by law for that purpose, shall hereafter choose and elect four members, and no more, to represent them in General Assembly; and that the inhabitants of the Parish of All Saints, qualified by law for that purpose, shall hereafter choose and elect two members to represent them in General Assembly; and that the election of the said members to serve in the General Assembly for each of the said Parishes, shall be conducted according to the directions of the election Acts.

Representatives for Parishes of Prince George and All Saints.

A. D. 1778.

Commissioners  
appointed for  
building a  
Church, Chap-  
el, &c.

V. *And be it also enacted* by the authority aforesaid, That Percival Pawley, Joseph Allston and Thomas Butler be, and they are hereby, appointed commissioners or supervisors for the building a church, chapel and parsonage house in the, said Parish of All Saints; and they, or the major part of them, are fully authorized and empowered to purchase a glebe for the said Parish, and to take subscriptions and to receive and gather, collect and sue for all such sum or sums of money as any pious and well disposed person or persons shall give and contribute for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the church wardens and vestry of the said Parish of All Saints for the time being, shall nominate and appoint another person or persons to be commissioner or commissioners in the room or place of such so dead, absent or refusing to act, as to the said church wardens and vestry shall seem meet, which commissioner or commissioners so to be nominated and appointed, shall have the same powers and authority for the putting this Act in execution, to all intents and purposes, as the commissioners herein named.

Commissioners  
of roads ap-  
pointed.

VI. *And be it further enacted* by the authority aforesaid, That Benjamin Trapier, Thomas Butler, Anthony Pawley, Joseph Allston, Percival Pawley, Francis Allston, John Allston, Jr., William Verreen and William Spears, be, and they are hereby appointed, commissioners of public roads in the said Parish of All Saints, and shall have the same powers and authority as any commissioners of the high roads in this State have heretofore had.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1072. *AN ACT* FOR DIVIDING THE TOWNSHIP OF ORANGEBURGH FROM THE PARISH OF ST. MATTHEWS, INTO A SEPARATE PARISH, BY THE NAME OF ORANGE PARISH, AND FOR THE OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the inhabitants of Orangeburgh Township were, by an Act of the General Assembly passed on the twelfth day of April, in the year of our Lord one thousand seven hundred and sixty eight, included in the Parish of St. Matthew, whereby the said inhabitants have sustained many inconveniencies, which still subsist; for remedy whereof,

Boundary  
lines.

I. *Be it enacted* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the dividing line between the district of Charlestown and Orangeburgh shall henceforth be the dividing line between the Township of Orangeburgh and the parishes of St. Matthew, St. John's, Berkley county, St. James Goose Creek and St. George Dorchester; and from the said Charlestown district line the Four Hole Creek, as far as the line that divides Amelia Township and Orangeburgh District, following the said line to the north-west boundary line of the said Township, shall be the dividing line between St. Matthew's parish and the township of Orangeburgh; and that the inhabitants residing on and between the said Charlestown district line and the north-west bounding of

Amelia township, and on and between the said district line and Santee River, be hereafter deemed and known in law to be the inhabitants of St. Matthew's Parish; and the inhabitants being and residing on and between the said Charlestown district line, and the north-west bounding line of Orangeburgh township, and between the Four Hole Creek and the line that divides the townships of Orangeburgh and Amelia, and Pon Pon River, be hereafter deemed and known in law to be the inhabitants of Orange Parish.

A. D. 1778.

II. *And be it further enacted* by the authority aforesaid, That the inhabitants of St. Matthew's Parish, being qualified as by law directed, shall choose three members to represent them in General Assembly; and the inhabitants of Orange Parish, qualified as aforesaid, shall choose three members to represent them in General Assembly; and that writs for the election of members for the General Assembly shall be issued in the same manner and at the same time as writs have been and shall be issued for the other parishes and districts in this State.

Members of Assembly.

III. *And be it further enacted* by the authority aforesaid, That Thomas Wild, John Robinson, Henry Rickinbacker, James Carmichael, Jacob Woolf, Jr., Henry Felder, Jr., Andrew Frederick, John Clayton and Peter Moorer, Sr. be, and they are hereby appointed, commissioners for keeping in repair the Public Road from the above said north-west boundary line of Orangeburgh township to the place where the said road crosses Charlestown district line, and that they shall have the same powers and authorities as any other commissioners of the high roads in this State may or can exercise and enjoy; and in case any of the said commissioners shall die or refuse to act, the remaining commissioners shall from time to time choose one or more commissioner or commissioners, in the room of him or them so dying or refusing to act, and he or they so chosen, shall have the same power and authority as the other commissioners have; any law, usage or custom to the contrary notwithstanding.

Commissioners of Roads.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 16th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

AN ACT for establishing a Ferry over the Wateree River, at the plantation of Joseph Mickle, and vesting the same in the said Joseph Mickle and his Heirs, Executors, Administrators and Assigns, for the term of fourteen years; and also for dividing the great Road on the north-east side of the said River, beginning at Rafton Creek and running to the boundary line between this State and North Carolina, and appointing Commissioners for the same; and also for appointing a Board of Commissioners for clearing the Wateree River and keeping the same navigable, by an assessment on the inhabitants and lands uninhabited within the district herein mentioned, in lieu of personal labour.

No. 1073.

(Passed March 16, 1778. See last volume.)

A. D. 1778.

No. 1074. AN ACT for establishing the Constitution of the State of South Carolina.

(Passed March 19, 1778. See Vol. 1, p. 137.)

No. 1075. AN ACT FOR COMPLETING THE QUOTA OF TROOPS TO BE RAISED BY THIS STATE FOR THE CONTINENTAL SERVICE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, a regard for our own welfare and the interests of America renders it indispensably necessary that the six regiments of this State on the Continental establishment should be completed without delay; and whereas, a number of idle and disorderly persons (who are at present burthensome and injurious to the industrious inhabitants of the State) may, by being enlisted in the said regiments and kept under proper discipline, be rendered in a great measure serviceable to America;

All vagrants to be enlisted.

I. *Be it enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all idle, lewd, disorderly men, who have no habitations or settled place of abode, or no visible lawful way or means of maintaining themselves and their families, all sturdy beggars, and all strolling or straggling persons, shall be declared to be vagrants, and as such shall be liable and obliged to serve in one of the Continental regiments of this State; and upon information of any vagrant being in his district, or on his own knowledge, a justice of peace shall be obliged, and he is hereby required, to issue his warrant to apprehend such vagrant; and when the said vagrant shall be brought before him he shall immediately summon six neighbouring freeholders, who shall attend such justice forthwith, under the penalty of fifty pounds currency, to be recovered by warrant under the hands and seal of any two magistrates for the district; and the justice and freeholders so assembled, being first sworn, without favour, prejudice, hope of reward, or fear, impartially to examine and determine whether the person brought before them is a vagrant or not, according to law, shall then examine into the matter; and if they, or the majority of them, shall be of opinion that the person so brought before them is a vagrant, according to the above description, they shall declare him to be enlisted, as a private soldier, in one of the said regiments, and he shall be liable and obliged to serve during the war, in one of the said regiments; and he shall be subject to the same articles of war, and entitled to all the advantages of a soldier who voluntarily enlists himself in either of the said regiments; and upon any person or persons being convicted as aforesaid of being a vagrant, the justice shall deliver him, or cause him to be delivered, to one of the officers of one of the said regiments, if any such officer should be in that part of the country, and in case no officer should be there, then the said justice is hereby authorized and required to commit such vagrant to the common gaol of the district wherein he shall be so apprehended and convicted as aforesaid, there to remain until sent for by the commanding officer of one of the said regiments, who may, and is hereby empowered to, enrol and enlist such person in his said regiment, as a soldier. And as the most effectual

Proceedings.

means of finding out who are vagrants in the different parts of this State, the commissioned officers of every company of militia shall be obliged, and they are hereby required, to give in to a neighbouring magistrate an exact muster roll of their respective companies, pointing out, as far as comes within their knowledge, any persons who, agreeable to the above description, may be liable to be called before a magistrate and freeholders for their examination, under a penalty of fifty pounds, on each officer, for their refusal or neglect; and that no officer of such militia company shall sit on the trial of any such person pointed out by him or them.

A. D. 1773.

II. *And be it further enacted* by the authority aforesaid, That the magistrates and constables shall be entitled to the same fees for such trial, examination, and mileage, as are allowed magistrates and constables on other trials, which sums shall be paid them respectively by the commissioners of the treasury, on their producing a certificate signed by the magistrate and freeholders who were on such trial.

District of  
Ninety-Six.

III. And whereas, many vagrants have, without any authority, gone upon the lands lately ceded by the Indians to this State, and may, perhaps, elude this Act, by being out of the jurisdiction of any justice of peace of this State; for the prevention thereof, *Be it also enacted* by the authority aforesaid, That the said lands lately ceded by the Indians to this State, be deemed and declared to be within the district of Ninety-Six, and that the magistrates of Ninety-Six district have full power and authority to exercise as much jurisdiction within the same as they are empowered to do within any part of the said district of Ninety-Six.

IV. *And be it further enacted* by the authority aforesaid, That after the expiration of three calendar months from the passing of this Act, any person or persons who shall be convicted of fire hunting shall, in like manner as a vagrant, be declared duly enlisted in one of the said regiments, and shall be subject to the same articles and entitled to the same advantages as if he or they had voluntarily enlisted; and any person who will give information to a magistrate of any fire hunter, shall, on his conviction, be entitled to thirty dollars, to be paid out of the public treasury; and the trial of a person accused of fire hunting shall be by one magistrate and six freeholders, in the manner above appointed for the trial of vagrants.

Fire-hunters  
deemed va-  
grants.

V. *And be it further enacted* by the authority aforesaid, That two hundred acres of land (including the one hundred acres allowed by Congress) be reserved for and granted free of expense and in fee simple to every soldier who hath already enlisted or shall hereafter enlist to serve in either of the said regiments during the present war; provided he doth faithfully complete his term of service; and in case it shall so happen that any such soldier shall be slain in or depart this life during this contest, his heirs shall be entitled to the said two hundred acres of land. And no conveyance or agreement to transfer, convey, or sell the said two hundred acres of land, or any part thereof, before the expiration of the war, and the actual grant and location thereof, shall be valid, but every such conveyance and agreement shall be null and void, to all manner of purposes whatsoever; and all the lands in the forks between Tugaloo and Keowee rivers, up to the new Cherokee boundary line, shall be, and they are hereby, reserved for such purpose; and no grants of any lands within the said districts, or possession within the same, shall be deemed legal and valid till after the expiration of the present war, and till the said soldiers shall have their respective portions of the said lands allotted and granted to them.

Bounty of  
Lands.

A. D. 1778.

Penalty for  
selling liquors  
to soldiers.

VI. And for the more effectual prevention of the frequent disorders which may arise among the soldiery in consequence of drunkenness, *Be it further enacted* by the authority aforesaid, That any person (except the respective sutlers to the said regiments) who shall, after one month from the passing of this Act, sell or retail any kind of spirituous liquors to any soldier belonging to either of the said regiments, knowing him to be such, without leave in writing from a commissioned officer of one of the said regiments first had and obtained, shall be deprived of his or her licence, and fined the sum of fifty pounds current money of this State, for every such offence, to be recovered before a magistrate and four freeholders, residing in the district where the offence was committed.

Or buying or  
concealing  
their arms, &c.

VII. *And be it further enacted* by the authority aforesaid, That any person who shall knowingly or wittingly buy, receive or conceal the arms, accoutrements or clothing of any soldier in the said regiments, shall forfeit for every such offence the sum of two hundred pounds current money of this State, over and above the full value of the clothes, arms and accoutrements so bought or received; and the informer shall be entitled to one hundred pounds current money of the said penalty, the other part shall go to the State, and be paid into the public treasury; and the said penalty shall be sued for and recovered before a magistrate and six freeholders, in the district where the offender resides or the offence shall be committed.

Or concealing  
deserters.

VIII. *And be it further enacted* by the authority aforesaid, That any person (except in the case of a wife concealing her husband, a child a parent, or a widow her son) who shall wilfully harbour or conceal any deserter from either of the said regiments, and be thereof convicted, the offender, if a man capable of military duty, shall be obliged to serve in one of the said regiments during such deserter's time of service, and be entitled to the same advantages and subject to the same articles as if he had voluntarily enlisted; and if the offender be a woman, or man incapable of military duty, he or she shall pay a fine of two hundred and fifty pounds current money, to the use of this State, or in default thereof suffer three months close imprisonment in the common gaol of the district where the offence shall be committed; and the trial of this offence shall be before a magistrate and six freeholders of the district where the offence shall be committed; and the informer, on conviction of the offender, shall be entitled to receive a reward of thirty dollars out of the public treasury of this State.

Penalty on  
Captains of  
vessels carry-  
ing off desert-  
ers.

IX. *And be it further enacted* by the authority aforesaid, That the captain or master of any vessel who shall wilfully harbour or conceal any deserter from either of the said regiments, or from any ship or vessel of war in the service of this State, or of the United States, on shipboard, with an intent to convey the said deserter out of the State, or shall actually carry such deserter off the State, shall, on conviction thereof before a Magistrate and six Freeholders of the district where the offence shall be committed, forfeit and pay the sum of seven hundred pounds, currency, for every such offence, one half to the informer, and the remainder to be paid into the public treasury for the use of this State.

Deserters.

X. *And be it further enacted* by the authority aforesaid, That all deserters who have heretofore deserted from either of the said regiments, and not capitally punished by martial law, shall be compelled to serve in the regiment from which they deserted, for the full time for which they originally enlisted; and that all deserters who may hereafter desert from either of the said regiments, and not capitally punished by martial law, shall be compelled to serve in the regiment from which they deserted, double the time of their absence from duty.

XI. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and may be given in evidence without special pleading in any court of record within this State; and in case any person shall be sued or prosecuted for any matter, cause or thing, done or executed by virtue of or in pursuance of this Act, and the plaintiff shall suffer a discontinuance, enter a *noli prosequi*, become nonsuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted or for whom judgment shall pass, his full double cost of suit. A.D. 1778.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

AN ACT for the regulation of the Militia of this State, and for repealing such Laws as have hitherto been enacted for the government of the Militia. No. 1076.

(Passed March 28, 1778. *See last volume.*)

AN ACT FOR RAISING AND PAYING INTO THE PUBLIC TREASURY OF THIS STATE, THE TAX THEREIN MENTIONED, FOR THE USE AND SERVICE THEREOF. No. 1077.

WHEREAS, we the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein aftermentioned, should be assessed, raised and paid into the public treasury of this State, for the use and service thereof. Preamble.

I. *Be it therefore enacted and declared* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the sum of five pounds current money per head, shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of five pounds per hundred acres on all lands throughout the said State, town lots excepted, and except the property of any lands now belonging to any free Indians in amity with this State; and the sum of twenty shillings for every hundred pounds on the value of every such town lot, wharf and building, and other lands within the limits of any town, village or borough in this State, the bounds of Charlestown to extend from Ashley River to Cooper River, on a direct line with the north side of boundary street; and the sum of twenty shillings on every hundred pounds owing to any person or persons on bond or other specialty or note of hand bearing or including interest, over and above what he, she or they pay interest for; and the sum of five pounds upon each wheel of every four wheel carriage, except waggons; and the sum of five pounds per head on all free negroes, mulattoes and mestizoes from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; Rate of taxation.

A. D. 1778.

Lands of new  
settlers ex-  
empted.

and the sum of twenty shillings for every hundred pounds on every person's stock in trade, (that is to say,) wares, merchandizes and book debts of persons in trade, shopkeepers and others; and the like sum of twenty shillings per centum on the profits of all faculties and professions, (the clergy excepted) factorage employments and handicraft trades throughout this State, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information; Provided, That nothing herein contained shall be extended to oblige the new settlers in any part of this State to the payment of any part of the said tax for their lands granted to them by bounty, who shall make oath before the collector of the tax in the respective parish or district where such new settlers reside, that he settled himself in this State upon the encouragement given thereby, and hath not resided ten years therein; but such new settlers shall pay tax for their slaves and monies at interest, as other inhabitants do.

Absentees to be  
double taxed.

II. *And be it also enacted* by the authority aforesaid, That all persons holding estates in this State, who are absent from the United States, shall be double taxed, (that is to say) that the sum of ten pounds current money per head shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of ten pounds per hundred acres on all lands throughout the State, town lots excepted; and the sum of forty shillings for every hundred pounds on the value of every such town lot, wharf and building, and other lands within the limits of any town, village or borough in this State, belonging to such person or persons; and the sum of forty shillings on every hundred pounds owing to any such person or persons, on bond or other specialty or note of hand bearing or including interest, over and above what he, she or they pay interest for, within this State; to be ascertained and rated by the several and respective assessors and collectors, hereafter named, according to the best of their knowledge and information; except minors and those not yet twenty-two years old, who shall be allowed one year after their coming of age, to return to this State; and except those who are absent on the service of the United States or of this State, or are absent with leave of either branch of the Legislative or the Executive authority of this State, for any time not exceeding one year; and except those who may have been captured or detained by the enemy; Provided nevertheless, That nothing herein contained shall be construed to oblige any person or persons, whether absentees or not, who have or shall lend money to this State at interest, to pay more than the sum of ten shillings for every hundred pounds so lent to this State.

Taxables to  
render an ac-  
count of their  
property, on  
oath.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the Parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, four wheel riding carriage or carriages, or monies for which they receive interest, in this State, (lands whereon any churches or other buildings for divine worship or free schools, are erected or built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this Act, shall, on or before the first Tuesday in May, which will be in the year of our Lord one thousand seven hundred and seventy-eight, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live reside, at such

time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the first Tuesday in May, which will be in the year one thousand seven hundred and seventy-eight; which oath or affirmation shall be in the words following, to wit: "I, A. B., do swear, or affirm, as the case shall be, that the amount which I now give in is a just and true account of all the lands, slaves, four wheel riding carriages, and monies I have upon bond or other specialty or note bearing or including interest, (which I believe to be good,) over and above what I pay interest for, and which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby fully authorised, enjoined and required to administer.

A. D. 1778.

Form of the oath.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever shall be obliged to make return of his or her lands, slaves, or monies at interest, in the country, over and above what he or she pays interest for, to the inquirers and collectors for the parish or district respectively where such person lives or resides for the greatest part of the year, and pay the tax thereon to the said inquirers and collectors. And the inquirers and collectors of all and every the parishes and districts respectively, shall be, and they are hereby, authorized, impowered and required, to issue executions against all and every person or persons in their respective districts who have not paid the just proportion of the preceding tax.

Executions to issue against persons for not paying taxes.

V. And whereas, there are divers tracts of land, slaves, and monies at interest, in this State, held, owned or claimed by persons not residents here, who pay no taxes or other charges toward the support of the government of this State: *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this State, shall make due and true returns to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, as aforesaid, of all lands, slaves, and monies at interest, belonging to such absent persons, for whom they are attorneys or trustees, and shall send a copy of such return, certified by the said assessors and collectors, to the assessors and collectors for the parishes or districts where such lands lie; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, or which are due by virtue of any former tax Acts, for such land, slaves, or monies at interest, out of his or their own proper estate; notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied; unless such attorney shall make oath, before the said collectors respectively, that he hath bona fide renounced his power and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax: Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing herein to the contrary notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee. And the inquirers and collectors of the several parishes and districts respectively where any lands lie which are held or

Attorneys and trustees of absent persons, liable for the taxes assessed on the property of such absentees.

Proviso.

A. D. 1778.

Inquirers and  
collectors may  
lease land, sell  
timber, &c. for  
taxes unpaid.

Lands of absent  
owners, for  
which taxes are  
not paid in two  
years after  
notice given,  
declared forfeit.

Proviso.

Inquirers and  
collectors  
appointed.

owned by any person or persons not resident in this State, whether they have attornies or not, or where they have received no certificate of the said lands being returned in any other parish, as aforesaid, or the commissioners of the treasury for the time being, shall be, and they are and he is, hereby authorized and impowered, directed and required, to sell and dispose of any timber, lightwood, or any other wood thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this or any other tax Act; or, after six months notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment or waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors or the commissioners of the treasury, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every such sale of such timber, lightwood, or other wood, and leases of such lands, as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary in any wise notwithstanding.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attornies, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors, appointed by this Act, then, and in such case, the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably and proportionably, according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this State, and forthwith to publish and give notice of such their charge and assessment, in the Gazette. And in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest, from time to time, of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to this State, and shall be deemed and taken as vacant land; any law, custom or usage to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prejudice the rights of infants or feme covert, who shall be entitled to their lands upon claiming the same within two years after they come of age or become discover, upon their paying and discharging all taxes and arrears of taxes that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

VII. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned, viz: for the parish of Christ Church, John White and James Vanderhorst; for the parish of St. James Goose Creek, Morton Waring, James Streater and John Withers; for the parish of St. John, Berkley County, Anthony Ashby, Henry Ravenell, Jr. and John Cordes; for the parish of St. George Dorchester, John Benfield, Benjamin Coachman, Jr. and John Fullerton; for the parish of St. Thomas and St. Dennis, Thomas Cochran, Thomas Karwan and John Garden; for the parish of St. Andrew, (James Island excepted,) Edward

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Legge; for that part of the parish called James Island, Benjamin Stone and John Sandiford Chinnere; for the parish of St. John, Colleton County, viz: for John's Island, Thomas Hanscomb and Benjamin Mathews; for Wadmelaw Island, James Laroche; for Edisto Island, James Clark; for the parish of St. Paul, that is to say, for Stono and the east side of Pon Pon, Thomas Osborn and Robert Miles, and for Beech Hill in the said parish, Melchior Garner; for the parish of St. Bartholomew, John Croskeys and Richard Singleton; for the Upper District of St. Bartholomew, viz: the north and west of the Clack Creek and the main waters of the great swamp directly across to Pon Pon River, James Hamilton and William Day; for Combahee and Chehaw in the said parish, William Godfrey and William Webb; for the parish of St. James Santee, Anthony Simons and John Drake; for the parish of St. Stephen, Benjamin Walker and Samuel Peyre; for the parish of Prince George Winyaw, including All Saints, John Cogdell, Daniel Tucker, William Allston, (son of Joseph,) Alexander Dunn, Francis Goddard and William Thompson; for the parish of St. David, William Pegues, Thomas Powe, Peter Dubose; for the parish of Prince Frederick, Anthony White, Sr. Thomas Potts, William Snow and William Michau; for the parish of St. Mathew, including Orange, Philip Frierson, William Steatly, George Frierson and Donald Bruce; for the parish of St. Helena, Port Royal, Thomas Rutledge, William Hazzard Wigg and William Norton; for the parish of St. Peter, Purysburgh, John Buche, Jr. Paul Porcher, Jr. and John Fenwicke; for the parish of Prince William, Henry Desaussure, Joseph Ainger and William Harden; for the District to the eastward of the Wateree, George Douglass, John Cheanutt, William Lang, John Davies, John Fabre, Samuel Bradley and William Richardson; for the District of Ninety-Six, Robert Bryant, James Moore, John Irvine, Benjamin Bell, Henry Forster, Arthur Simkins, Patrick Calhoun and Andrew Pickens; for the District of Saxe-Gotha and parts adjacent, William Arthur and Samuel Boykin; for the District between Broad and Saluda Rivers, in three divisions, viz: the Lower District, Thomas Kennerly and John Caldwell, of Enoree; the Little River District, John Williams and Jonathan Downes; the Upper District, John Thomas, Jr. Andrew Thomson; for the District between Broad and Catawba Rivers, James Taylor, Philip Pearson, John Ellison, Robert Patton and Amos Tims; for the District called the New Acquisition, Joseph Howe; for the District between Savannah River and the north fork of Edisto, William Robinson, James Moore, Henry Peoples and John Jennings.

VIII. *And be it also enacted* by the authority aforesaid, That William Logan, Samuel Legare, John Bryan, Richard Muncreef, Thomas Jones, Edward Darrell and Richard Wainwright, be, and they are hereby, appointed inquirers, assessors and collectors for the parish of St. Philip and St. Michael.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael who are possessed of any lands, slaves, monies at interest in this State, in their own right or in the right of others, or any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first Tuesday in July, which will be in the year of our Lord one thousand seven hundred and seventy-eight, and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors for the several parishes respectively within this State, shall close their accounts and shall deliver the

Taxes on real estate, &c. when to be paid.

A. D. 1776.

same on oath to the commissioners of the treasury for the time being, or either of them, who is and are hereby empowered and required to administer such oath, and pay him or them all such monies as shall be by them respectively received, after retaining two pounds per centum for all such monies paid by the country collectors, and one pound per centum for all monies paid by the collectors of Charlestown, into the hands of the commissioners of the treasury, in pursuance of this Act, on or before the first Tuesday in August, one thousand seven hundred and seventy-eight; and the inquirers, assessors and collectors of each parish or district shall make their return of such district respectively to the said treasurers at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, and monies at interest, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon according to the rates by this Act appointed.

Penalty for  
concealment.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his or her account of monies at interest, lands or slaves, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

When deemed  
a defaulter.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest, lands or slaves, to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in May, one thousand seven hundred and seventy-eight at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, lands and slaves; except officers and soldiers in the service of the Continent or this State, who shall be at liberty to give in such return in the parish or district where he shall then happen to be on duty, and excepting also any such officer or soldier who shall be absent from this State on duty.

Inquirers to  
give previous  
notice of their  
intention to call  
on the inhabi-  
tants to make  
returns.

XII. *And be it also enacted* by the authority aforesaid, And the inquirers, assessors and collectors of the parishes of St. Philip and St. Michael, or any three or more of them, are hereby ordered and directed, on or before the last Tuesday in April, in the year of our Lord one thousand seven hundred and seventy-eight, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the said town the several lots of land are situated, and of the slaves and monies at interest of the said inhabitants, which they shall be possessed of, interested in or entitled unto in their own right or in the right of any other person whatsoever, lying or being in the said parishes, and of all lands and slaves which the said inhabitants are possessed of in their own right or in the right of any other person without the limits of the said parishes or in any other part of this State.

Persons over-  
rated may  
swear off the  
overplus.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attorneys shall have reason to believe he or she is over-rated, for the profits of his or her handicraft trade, employment, factorage, faculty or profession, or for his or her stock or houses and lands, by such assessors, shall have ten days public notice given by the assessors and collectors at the exchange in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his, her or

their attorney or attorneys, shall think they are over-rated, before the said assessors and collectors as aforesaid; and the said assessors and collectors, or any of them, are hereby impowered and required to administer such oath, and shall allow an abatement accordingly.

A. D. 1778.

XIV. *And be it also enacted* by the authority aforesaid, That any four of the said assessors and collectors shall be a quorum, and shall meet at the town hall over the exchange in Charlestown the last Tuesday in April aforesaid, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits aforesaid, or to adjourn to any other place in the said town, as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael on or before the third Tuesday in June, one thousand seven hundred and seventy-eight, and shall cause a duplicate thereof to be posted at the exchange in Charlestown in seven days after the calculation shall be closed, and they shall give previous notice twice at least in the Gazette of the time when such duplicate shall be posted; and the said assessors, and all other assessors and collectors of the several parishes in the country, before they enter upon the execution of their said office shall take the following oath before one of the justices of the peace, who shall give them a certificate thereof gratis: "I, A. B., do sincerely swear that I will administer the oath required by this Act to be administered to all persons making their returns or paying their taxes, and that I will indifferently, equally and impartially rate and assess all and every person according to the full value of what I believe every such person is worth, and the directions given to me by this Act, according to the best of my skill and knowledge: So help me God."

When inquirers shall make their return, &c

Oath to be administered to the assessors and collectors.

XV. *And be it also enacted* by the authority aforesaid, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the last Tuesday in August, one thousand seven hundred and seventy-eight; and the said assessors and collectors shall pay to the commissioners of the Treasury all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Time of paying the tax in the parishes of St. Philip and St. Michael.

XVI. *And be it also enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively, shall, immediately after ten days are fully elapsed, without further delay levy the same by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges, or shall not make oath before the collectors that he has not directly or indirectly conveyed away or removed his said goods or effects whereon the monies so assessed be levied, to avoid the payment of the said tax, and that he is not able to pay the same; which oath the said collectors are hereby respectively authorized and impowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the monies so assessed may be forthwith levied, then the said constable or constables by virtue of the said warrant shall take the body of such defaulter and convey him to the common goal in the district where such defaulter resides; which warrant shall run in these words, *mutatis mutandis*, viz.:

Warrants to be issued against defaulters.

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Form of the  
warrant.

"A., B., C., D., E., F., collectors of the general tax for the parish or precinct of —, to G. H., constable of the parish or precinct of —, or to the sheriff of — district, in the State of South Carolina, or to his lawful deputy: Whereas, J. K., hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for the defraying the charges of the —, which — hath neglected to pay; These are, therefore, in the name of the State strictly to charge and command you to levy by distress and sale, of the goods and chattels of the said J. K., the sum of —, together with the charges thereof. And in case the said J. K. shall refuse or neglect to produce goods or chattels sufficient to levy the said distress and the charge thereon, that then you take the body of the said J. K. and convey — to the common goal in the district, commanding you the keeper of the said goal to detain the body of the said J. K. in your custody until — shall pay the said sum of —, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals this — day of —, Anno Domini, —.

"A., B., C., D., E., F."

And the sheriff to whom such warrant shall be directed shall detain such person in the goal aforesaid without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, six shillings; and for every pound, to be levied as aforesaid, one shilling; and one shilling and three pence for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; and for the constable returning home, mileage at the same rate; and no more or any other fee whatsoever; and the assessors and collectors respectively, for every such warrant he or they may issue, shall have from such defaulter ten shillings current money.

Fees of  
constables, &c.Penalty on  
neglect to make  
return or pay  
tax.

XVII. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time before limited, the said collectors respectively where such taxable person lives, are hereby impowered and required to issue their warrant in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Commissioners  
of the treasury  
impowered to  
issue warrants  
for arrears of  
taxes.

XVIII. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall have full and ample power in all respects for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, and the same may be recovered by virtue of a warrant under the hand and seal of the said commissioners for the time being, or any two of them, directed to the sheriff or any constable for the district where such arrears of taxes are to be collected, which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables  
dying or  
departing.

XIX. *And be it also enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die between the

time of giving in his or her account to the said inquirers and collectors and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages and debts whatsoever, or otherwise, a warrant or execution shall issue against the proper goods of such executors or administrators; and if any person between the time of rendering the account of his or her estate to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find sureties to the liking of the said collectors and assessors for the payment thereof at the time appointed.

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XX. And whereas, many people may be induced from the want of public monies in the treasury, to advance their tax or taxes or part thereof, and lodge the same in the treasury, before the day appointed by this Act for receiving the same, which may be serviceable to the public: *Be it therefore enacted* by the authority aforesaid, That in case any person or persons shall voluntarily advance and pay any sum or sums of money on account of their tax or taxes imposed or assessed by this Act as aforesaid, the public treasurers are directed and required to receive the same and to give receipt or receipts for such payments, which receipt or receipts shall be allowed as so much in discount from the tax or taxes such person or persons shall be liable to pay, by the assessors or collectors authorized to receive such tax, on settlement of such person or persons' taxes; Provided, such advance payments shall not be less than five hundred pounds current money.

Payment of  
taxes in ad-  
vance.

XXI. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, and goods, and chattels, of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

XXII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor; Provided, that such estate shall be in the possession of the said mortgagee.

XXIII. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall for every such neglect or refusal forfeit the sum of five hundred pounds current money; and the several assessors or collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of two thousand pounds current money to this State, for the support of this government, to be sued for and recovered by the commissioners of the treasury for the time being, in any court of record in this State.

Penalty on offi-  
cers for neg-  
lect.

XXIV. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes, shall

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Penalty on collectors for default.

neglect or refuse to give in upon oath to the commissioners of the treasury a just and true account of all monies received by him or them, or due to the State, on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time herein before limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any two of them, by warrant under their hand and seal, to commit such assessor or collector to the common goal in the district wherein he resides, there to remain without bail or mainprize until he or they shall have rendered upon oath to be taken before one of the justices of the quorum a full, and to a majority of the commissioners of the treasury, a satisfactory account of, and shall have paid all such sums so as aforesaid by him or them collected during the time that he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies due this State by virtue of this or any former tax Act, and the reasonable charges of such commitment.

Vacancies, how to be filled.

XXV. *And be it also enacted* by the authority aforesaid, That in case any of the said inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act, or depart this State, or remove out of the Parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the President or Commander-in-chief for the time being, is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of his parish or district; and the person and persons so appointed shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Commissioners of the treasury to compel payment of arrears.

XXVI. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any two of them, be, and they are hereby, empowered and required to grant immediate executions against all former constables, and collectors of taxes, and collectors and assessors for the time being, and all persons in arrear for taxes now, or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he or they is and are hereby required and directed to prosecute all and every person or persons whatsoever, neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same for any such refusal or neglect.

XXVII. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurers, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied to and for the use and service of this State.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

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**AN ACT FOR ESTABLISHING A NEW LIST OF JURYMEN FOR THE DISTRICTS OF CHARLESTOWN, GEORGETOWN, CHERAWS, CAMDEN, BEAUFORT AND ORANGEBURGH, WITHIN THIS STATE.** No. 1078.

WHEREAS, by the increase of the number of inhabitants, and the death and removal of many persons who resided in this State, it is necessary to form a new list of jurymen for the several districts within this State, that the burthen of that service may be more equally divided amongst the people ;

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the several persons whose names are inserted in the different schedules or lists hereunto annexed as jury lists for the several districts of Charlestown, Georgetown, Cheraws, Camden, Beaufort and Orangeburgh, within this State, and entitled the grand jury list, petit jury list, and the special jury list, of each of the said districts respectively, are hereby deemed and declared to be qualified and obliged to serve as jurymen for such districts respectively, according to the several jury lists in which their names are so inserted ; that is to say, all persons whose names are inserted in the list of the grand jury of any of the districts aforesaid and hereunto annexed, shall be summoned, returned and obliged to serve as grand jurymen, according to law, for such districts in the grand jury list of which their names are so inserted ; and all persons whose names are inserted in the petit jury list of any of the districts aforesaid and hereunto annexed, shall be summoned, returned and obliged to serve as petit jurymen for such districts in the petit jury list of which their names are so inserted ; and also all persons whose names are inserted in the special jury list of any of the districts aforesaid and hereunto annexed, shall be summoned, returned and obliged to serve as talesmen on the petit jury of such district in the special jury list of which their names are so inserted, in all cases where tales are allowed by law.

II. *And be it further enacted* by the authority aforesaid, That each of the several lists hereunto annexed as the grand jury list, petit jury list, and special jury list, of any districts before mentioned, is hereby deemed and declared to be the legal grand jury list, petit jury list and special jury list, respectively, of such respective districts, and that at the next sitting of the court of common pleas or general sessions in Charlestown, and that at the next sitting of the said courts for any of the other districts aforesaid, the judge or judges of the said courts shall cause to be written, at such courts respectively, on small separate pieces of paper of an equal size, the names of every person in the list hereunto annexed as the grand jury list of the district where such court is so held, and after having compared such names with such lists, shall cause them to be put in a box or chest prepared for that purpose, with proper divisions made therein according to the directions of the Acts of the General Assembly now in force respecting jurors and jury lists ; and the said judges or judge shall also then and there cause to be written on small separate pieces of paper of equal size, the name of every person in the list hereunto annexed as the petit jury list of the district where such court is so held, and after comparing such names with the said list, shall cause them to be put into one of the two divisions of the said box or chest prepared for the holding of such petit jury list of such

Form of drawing jurors.

A. D. 1778.

district, according to the aforesaid Acts respecting jurors and jury lists as aforesaid; and shall also then and there cause to be written on small separate pieces of paper of equal size as aforesaid, the name of every person in the list hereunto annexed as the special jury list of the district where such court is so held, and after comparing such names with the said list shall cause them to be put into one of the two divisions of the said box prepared for holding such special jury list of such district, according to the Acts aforesaid respecting jurors and jury lists as aforesaid.

III. *And be it further enacted* by the authority aforesaid, That all grand juries and petit juries of the court of general sessions, and juries of the court of common pleas, which shall hereafter be drawn for any of the districts aforesaid, shall be drawn from the names which shall be taken from the list of grand jurors and the list of petit jurors respectively, for such districts hereunto annexed as aforesaid, and which shall be put into the jury-box of such district as before directed by this Act; and all talesmen which shall be drawn for any of the said courts while sitting in any of such districts, shall be drawn from the names of the special jurors of such district as are in the list of such special jury of such district hereunto annexed, and which shall be put into the jury box of such district as aforesaid; and that every jury to be drawn from the jury lists established by this Act, shall, in every other respect than what is particularly expressed and declared by this Act, be drawn, summoned, returned and impannelled agreeable to and in such form and manner, and at such times and places, as are directed and prescribed by an Act called "The circuit court Act," passed the twenty-ninth day of July, one thousand seven hundred and sixty-nine, or any other Act in force at the time of the passing of this Act, relative to the drawing of Juries.

IV. *And be it further enacted* by the authority aforesaid, That all persons whose names are inserted in any of the jury lists annexed to this Act, are respectively liable to all pains and penalties that jurors are liable to by any law of force in this State; and that all acts and verdicts by any jury drawn under and by virtue of this Act, shall be as valid and effectual to all intents and purposes as this act or verdict of any jury can be by law.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

*(The list of the Jurors' names is omitted.)*

No. 1079. AN ACT to oblige every free male inhabitant of this State, above a certain age, to give assurance of fidelity and allegiance to the same; and for other purposes therein mentioned.

(Passed March 28, 1778. See Vol. 1, p. 147.)

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No. 1080.

**AN ACT TO INDEMNIFY COL. JOHN THOMAS AND EZEKIEL POLK, FOR SEIZING, SELLING AND DISPOSING OF THE EFFECTS OF RICHARD PEARIS; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

WHEREAS, Richard Pearis having acted as an enemy to the State of South Carolina, Colonels John Thomas and Ezekiel Polk did seize on his effects and made sale of the same, and it is thought in their hurry they may also have seized and sold the effects of other persons by mistake for the effects of the said Richard Pearis, and the securities for the monies arising from such sales are placed in the hands of Ralph Smith, Esq., and it is thought proper that the persons concerned in the affair should be sufficiently indemnified;

Preamble.

I. *Be it therefore enacted* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same. That the said John Thomas and Ezekiel Polk, and all and every person and persons concerned in or about the seizing, selling or disposing of all or any part of the effects of the said Richard Pearis, and receiving or paying the money arising from such sale or disposition, be, and they are hereby, saved, kept harmless and indemnified of and from all actions, suits and prosecutions, of what nature or kind soever, for or concerning the same, which may or shall be commenced, sued or prosecuted hereafter by the said Richard Pearis, his heirs, executors, administrators or assigns, or any other person or persons whatsoever.

No prosecution brought by Pearis for recovery of property sold shall be allowed.

II. *And be it further enacted* by the authority aforesaid, That all and every the person and persons who have become purchasers of all or any part of the effects of the said Richard Pearis, be, and they are hereby, quieted in the possession thereof, to hold to them, their heirs, executors, administrators and assigns, as their own proper goods and chattels for ever; and also that any person or persons whose effects have been sold by mistake as aforesaid, for the effects of the said Richard Pearis, shall and may have the same again on proving their property before Ralph Smith, James Wood and John Prince, or any two of them, commissioners appointed to adjust their demands, within three months after the passing of this Act; and in case the said effects of any person or persons so sold as aforesaid by mistake, cannot be come at, then such person and persons shall receive from the public treasury of this State the sum or sums of money for which the said effects were sold, and interest from the day of sale, on proving their property in the manner and in the time aforesaid.

Titles made good to purchasers, &c.

III. *And be it enacted* by the authority aforesaid, That the said Ralph Smith shall, as soon as may be, call in all the money due by bond, note or otherwise howsoever, for the sale of the said effects; and after deducting five pounds per centum thereon, over and besides his necessary expences and disbursements, shall pay the rest, residue and remainder into the public treasury of the said State, to the intent that the seven hundred pounds advanced by the public to the said Richard Pearis, and also the executions issued against the said Richard Pearis, and all just and reasonable demands of the citizens of the said State against the said Richard Pearis, may be fully satisfied and paid, and that the rest, residue and remainder may be and remain in the said treasury for the use of the public of the said State; and Ralph Smith, James Wood and John Prince, hereby appointed commissioners to receive the claims of any person or persons for

Payment on bonds, &c. to be demanded.

A. D. 1778. effects sold by mistake as aforesaid, are hereby authorized and impowered to swear such persons to their claims, and thereupon give orders for the delivery of the same; and in case the said effects cannot be come at, to give orders on the public treasury for the payment of the sums such effects sold for.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1081. AN ACT for the better security of Charlestown from the accident of fire, and for regulating the buildings hereafter to be erected or built in the said town.

(Passed March 28, 1778. *See last volume.*)

No. 1082. AN ACT FOR THE REGULATING OF THE POST OFFICES WITHIN THIS STATE.

**Preamble.** WHEREAS, it is necessary for the speedy and safe conveyance of letters within this State to establish certain regulations for the post-offices within the same, in addition to such as are already made by the Honorable Continental Congress;

Captains of vessels required to deposit all letters they may bring in the nearest post office.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That as soon as public post offices are established within this State, it shall not be lawful for any captain or commander of any vessel arriving at any port within this State to make any entry of such vessel or her cargo at any custom house within the same until such captain or commander shall have first delivered into the post office established the nearest to such port of arrival all and every of the letters brought by such captain or commander on board of such vessel to such port directed, to or for any person within this State, or any of the United States of America, (excepting such letters as may be brought on board of such vessel to any person or persons concerned in or owner or owners of such vessel or cargo,) and shall produce at such custom house a certificate from such post office of the delivery of such letters; and any custom house officer who shall permit any such vessel to be entered before such certificate, shall for every such offence forfeit the sum of one thousand pounds current money, to be recovered by bill or plaint by any person who will inform and sue for the same, wherein no essoign, wager or protection of law, or more than one imparlance, shall be allowed; the one half of which sum shall be paid to such informer, and the other half to the use of this State.

Fees of captains of vessels for delivering letters.

II. *And be it further enacted* by the authority aforesaid, That the master of every ship or vessel arriving in any port of entry in this State and delivering the letters brought in such vessel as aforesaid, shall be entitled to receive from the deputy post master at such post office, one shilling and

three pence currency for every letter so delivered ; and that there shall be paid to said deputy post masters respectively, for each and every letter so received by them, two shillings and six pence currency, by the persons to whom the same shall be delivered.

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III. *And be it further enacted* by the authority aforesaid, That the post masters shall send to every person residing in the towns where their post offices are kept respectively, the letters directed to such person or persons, if they are not called for at the office within twenty-four hours after they shall have been lodged there, and for his trouble therein, it shall be lawful for him to demand the sum of one shilling and three pence over and above what is allowed when the letters are delivered at the office ; and if the persons live at a distance from the post office and cannot be found, the post master shall advertise the same if not called for within twenty days after they are in his possession, and shall be allowed the expence of advertising over and above the usual charges, on delivering any letters so advertised.

Duty of post masters.

IV. *And be it further enacted* by the authority aforesaid, That every post master of any post office in this State shall, and is hereby declared to be, obliged and strictly enjoined to attend at his respective post office for the receiving and delivering out of letters and packages, from the hours of nine in the morning to one of a clock the same day, and from the hours of five to seven in the afternoon of every day in the year, excepting Sundays in the morning, on pain that every master of any post office established within this State, who shall neglect or refuse to give such attendance, shall for every such neglect or refusal forfeit and pay the sum of ten pounds current money for every hour during such neglect or refusal, to be recovered by bill or plaint by any person or persons who shall inform of and sue for the same, one half of which sum shall be paid to such informer and the ether half thereof into the public treasury of this State for the use of the same ; and in which suit or action no essoign, wager or protection of law, or more than one imparlance, shall be allowed.

Penalty for neglect.


V. *And be it further enacted* by the authority aforesaid, That all post masters, post riders, or other persons necessarily attending the duties of the posts offices in this State, established by the honorable the Continental Congress or the law of this State, shall be exempted from all militia or military duty ; any law to the contrary in any wise notwithstanding. And all and every of the post riders while in the service of the United States or of this State, and riding post in this State, shall be hereby authorized to pass over any of the ferries within this State at the expence of the same, giving to the master or keeper of such ferry a certificate under his hand certifying the same, which master or keeper of such ferry is hereby obliged and required without delay, on receiving such certificate, to cause such post rider immediately to be transported over such ferry, together with his horse and travelling equipage, in preference to any other person or persons whomsoever, and without delay, on pain that every such master or keeper of any such ferry who shall neglect or refuse so to do, shall for every delay during such neglect or refusal forfeit and pay the sum of twenty pounds current money for the first hour and fifty pounds for every hour afterwards, to be recovered before any justice of the peace by any person suing for the same.

Post Masters and others exempted from militia duty.

Post Riders shall cross ferries upon giving the owner a certificate.

Penalty on owners of ferries who detain them.

VI. *And be it further enacted* by the authority aforesaid, That as soon as public post offices are established in this State by the honorable the Continental Congress or the laws of this State, it shall not be lawful for any person to ride post on any public post road for the carriage of more than ten letters on any private account, on pain that any person riding such

A. D. 1778.  post shall for every such offence forfeit and pay the sum of twenty pounds current money ; to be recovered before any justice of the peace in manner as aforesaid.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1083. *AN ACT TO REPEAL SEVERAL ACTS OF THE GENERAL ASSEMBLY AND RESOLUTIONS OF THE PROVINCIAL CONGRESS OF SOUTH CAROLINA, GRANTING BOUNTIES ON THE CULTURE AND MANUFACTURE OF HEMP, FLAX, LINEN, THREAD AND COTTON.*

WHEREAS, an Act of the General Assembly of South Carolina was passed on the twenty-third day of February, in the year of our Lord one thousand seven hundred and twenty-two, entitled "An Act to encourage the making of hemp;" also, an Act of the said General Assembly was passed on the seventh day of April, in the year of our Lord one thousand seven hundred and seventy, entitled "An Act to encourage the making of flax, linen and thread in this Province;" the beneficial provisions of which Acts were revived, continued and extended by a resolution of the Provincial Congress of South Carolina, resolved on the twenty-eight day of November, in the year of our Lord one thousand seven hundred and seventy-five; which Acts and Resolution have fully answered the salutary purposes for which they were enacted, and by the great increase and flourishing condition of the manufactures of this State are now become unnecessary:

I. *Be it therefore enacted* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the said Acts and Resolution, and all other Acts of the General Assembly and Resolutions of the Provincial Congress of South Carolina granting bounties on the culture and manufacture of hemp, flax, linen, thread and cotton, be, and they hereby are, repealed, and declared null and void to all intents and purposes whatever.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1778.

**AN ACT FOR REVIVING AND AMENDING SEVERAL ACTS AND ORDINANCES No. 1084.**  
**OF THE GENERAL ASSEMBLY OF THIS STATE.**

**I. Expired.**

II. Whereas, by an Act passed the 25th day of May, 1745, entitled "An Act to direct executors and administrators in the manner of returning inventories and accounts of their testator's and intestate's estates, and to restrain the usual charges and commissions of such executors and administrators, and all other persons who shall be entrusted with the administration and management of minors estates," *It is enacted*, That no letters of administration shall be granted to any persons applying for the same, without such persons swearing that the deceased, on whose estate letters of administration are so applied for, made no will, as far as is consistent with the knowledge or belief of such persons so applying; by which great inconveniencies and damage arise to many of the inhabitants of this State, who are next of kin to persons dying, whose last wills and testaments, by accident or otherwise, have become lost or destroyed, no person thereby having any legal authority to take charge or management of such estate: *Be it therefore enacted*, That if any person applying for letters of administration on the estate and effects of any person deceased, will not swear that such deceased made no will, consistent with the knowledge or belief of such person so applying for such administration, in manner as directed by law to be sworn, but will make it appear upon oath, that such deceased had made a will which cannot be found by such person or persons so applying, and that such person or persons applying for such administration verily believes or believe the said will to be lost or destroyed, together with the causes and reasons for such belief, it shall and may be lawful for the ordinary, or person empowered to grant administration, and to whom such application is made, to grant such letters of administration to the person or persons so applying for the same, during such time as the said last will and testament shall be so lost, and until the same shall be found and duly proven according to law, and no longer: Provided, That all affidavits to be made of the loss or destruction of any last will and testament, whereon to ground an application for letters of administration, pursuant to this law, shall be made before, and taken in writing by the person to whom such application is made, and signed by the parties swearing; and sworn to, shall be filed and recorded in the office of such person granting such administration.

Where wills cannot be found, ordinaries may grant letters of administration on party swearing that he believes will to be lost, &c.

**III. Altered by Act incorporating Charleston, 1783.**

**IV. Re-enacted by A. A. 1789.**

V. And whereas, it is necessary to alter several of the return days appointed by law for the returning of writs and process within this State to the courts in Charlestown, on account of the great inconveniency arising from some of such return days being too near the commencement of several of the terms in Charlestown, and the times appointed by law for holding circuit courts in the different districts of this State: *Be it therefore enacted*, That after the first Tuesday in April next, the return days appointed by law for returning of all writs and process in Charlestown, to the court there to be held on the first Tuesday in April, and the 3d Tuesday in September in every year, shall hereby be altered; and the said return day of the court of common pleas for May term, which hath hitherto been on

\* Return days fixed.

\* See A. A. 1789, as to the return days for the circuit districts.

A. D. 1778. the 1st Tuesday in every April, shall after the 1st Tuesday in April next, be on every 3d Tuesday in every month of March; and the said return day of the court of common pleas for October term, which hath hitherto been on every 3d Tuesday in every month of September, shall after the 1st Tuesday in April next, be on every 2d Tuesday in every month of September, any law to the contrary in any wise notwithstanding: Provided, That the return days appointed by law on the 1st Tuesday in January and July, shall be and remain as hitherto established by law, and that nothing herein contained shall extend or be construed to extend to any writ or process issued or to be issued for April return next.

Judges may  
issue writs of  
subpœna on  
circuit.

And appoint  
constables.

VI. And whereas, it is necessary for the more convenient administration of justice throughout this State, that writs of subpœna may be issued from any of the circuit courts in this State for summoning of witnesses to appear at any such court from whence the same shall issue, at any time to be held thereafter, or while sitting; and the justices of such courts shall have power to appoint constables for any of the districts wherein such courts shall be held, in manner as constables are appointed by the courts in Charlestown for the district of Charlestown, and to compel such person so appointed to serve in like manner: *Be it therefore enacted*, That it shall and may be lawful for any of the justices of the courts of common pleas or general sessions, holden for any of the districts of this State, to issue while riding the circuit, any \* writ of subpœna for any of the districts of this State, in like manner as if the same had been issued from Charlestown; and also to appoint in open court while sitting in any of the districts of this State, persons to serve in the office of constables for such district, in manner as constables are directed by law to be appointed in Charlestown; all and every of which persons so appointed shall be obliged to serve in such office of constable, according to such appointment, in manner as if such appointment had been made by any of the courts in Charlestown.

Writs of venire  
facias issuable  
from circuit  
court.

VII. And whereas, for the better and more expeditious administration of justice, it is necessary the writs of \* *venire facias* should issue from the courts of the several districts of this State, for summoning the jurors drawn at such courts, and not to be issued from the courts in Charlestown, as hitherto used: *Be it therefore enacted*, That all writs of *venire facias* to be issued for any of the districts of this State, for summoning jurors to serve at any of the circuit courts in any such district, shall be issued from the court where, and at the time when, such jury shall be so drawn.

VIII. Re-enacted by A. A. 1789.

Court days for  
common pleas  
and sessions  
fixed.

IX. And whereas, by reason of the courts of common pleas and general sessions in Charlestown being held on the 2d and 3d Tuesdays in May, the same are so near the time of the ending of the circuit courts held in April, that business is thereby often delayed in Charlestown, to the great disappointment of many people: *Be it therefore enacted*, That the court of common pleas, hitherto held at Charlestown on the 2d Tuesday in the month of May, shall not hereafter be held at that time, but shall in future begin to be holden on every 4th Tuesday of May; and that the courts of general sessions hitherto held at Charlestown the 3d Tuesday in May, shall not hereafter be held at that time, but shall in future begin to be holden on the 1st Tuesday in every month of June; any law to the contrary in any wise notwithstanding.

X. † And from and immediately after the passing of this Act, it shall and may be lawful for any one of the assistant judges of this State to

\* See A. A. 1789.

† See A. A. 1789.

grant writs of *dedimus potestatem* for taking renunciation of dower and releases of inheritance from feme-coverts, and that all renunciation of dower and releases of inheritance heretofore taken by virtue of writs of *dedimus potestatem*, issued by any assistant judge in this State, are hereby declared to be good and valid in law.|| A. D. 1778.  
Judges may grant a *dedimus*, &c.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

(The original of the above, which is taken from Grimke, cannot be found.)

**AN ACT FOR THE BETTER REGULATING OF PILOTS FOR THE PORTS AND HARBOURS OF CHARLESTOWN, BEAUFORT, GEORGETOWN AND STONO; AND FOR THE OTHER PURPOSES THEREIN MENTIONED.** No. 1085.

WHEREAS, it will tend greatly to the advantage of merchants and others trading to the several ports and harbours of this State, if the pilots and pilotage thereof are laid under proper regulations and restrictions; and as the pilot boats belonging to the port and harbor of Charlestown are by law now under the care and direction of the commissioners of the navy of this State, it is expedient that the pilots should be likewise subject to their orders. Preamble.

I. *Be it therefore enacted* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly, and by the authority of the same, That from and after the passing of this Act, the pilots for the port and harbour of Charlestown shall be, under the sole orders, management and controul of the commissioners of the navy of this State for the time being, or a majority of them, and subject to all such rules and regulations as have been heretofore made by the commissioners of pilotage; and also such rules and regulations as the commissioners of the navy, or a majority of them, shall in future think proper to establish; and the said commissioners of the navy are hereby vested with all the powers and authorities that are given to the commissioners of pilotage by any Act or Ordinance of the General Assembly of this State now in force. Commissioners of the navy vested with power.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of the navy, as soon as they conveniently can, shall cause a leading mark to the beacon to be erected in the same place where the former one stood; also two leading marks as guides through the middle channel, and one for Lawford's channel, and shall also cause buoys to be fixed along the north channel at proper places, so as to render the navigation of those channels respectively more easy and secure for vessels coming into or going out of port. Buoys to be placed.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the navy shall purchase or hire another pilot boat for the purpose of attending Stono Inlet, where she shall be constantly kept to conduct and bring in such vessels as may appear off that bar.

IV. *And be it further enacted* by the authority aforesaid, That the pilots for the bar and harbour of Charleston, shall alternately lay with

|| The rest of this clause expired.

A. D. 1778.

Duty of Pilots  
of Charleston.

their boats at anchor near Sullivan's Island at night, and shall go out to sea at least once every day in the year, (wind and weather permitting) and at such other times as they shall be ordered by the commissioners of the navy as aforesaid, and on neglect or refusal so to do, he and they shall be subject and liable to such fines as the said commissioners, or a majority of them, may think fit to impose, so as the same shall not exceed the sum of one hundred pounds current money for every offence, to be levied and recovered by action of debt, bill or plaint, in any court of record in this State.

Pilot boats to  
be manned.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners of the navy for the time being, or a majority of them, and they are hereby empowered and directed, to hire such a number of men, either white or black, as they shall think requisite for the purpose of navigating and manning the several pilot boats of Charlestown and Stono Inlet, and the commissioners of pilotage for the ports of Georgetown and Beaufort respectively, or a majority of them, shall have the like power of hiring such a number of men, either white or black, as shall be requisite for manning the pilot boats of the said ports respectively; and if the commissioners shall hire any negro or negroes who is or are the property of any person or persons in this State, the said negro or negroes shall be appraised on oath by two indifferent persons, one of whom to be chosen by the commissioners, and the other by the owner or owners of such negro or negroes; and if the persons so to be chosen cannot agree, they shall make choice of a third person, who shall likewise be sworn, and a majority of them shall appraise and value the said negro or negroes; and if it shall so happen that any negro or negroes hired as aforesaid, is or are taken or killed by the enemy, his or their owner or owners shall be entitled to receive out of the public treasury of this State, the sum of money at which the said negro or negroes was or were appraised, on producing to the commissioners of the treasury a certificate from the said commissioners of the navy or pilotage, as the case may be, of the said negro or negroes being taken or killed in the service aforesaid, by the enemy.

Fees of pilot-  
age.

VI. And whereas, the fees of pilotage at present established by law are inadequate to the exorbitant prices now demanded for the necessities of life, and the dangers the pilots are daily exposed to of being taken by the enemy; as an encouragement, therefore, to those who are or may be engaged in the service of this State, and to induce them, if possible, to be more diligent and attentive to their duty: *Be it enacted* by the authority aforesaid, That instead of the fees heretofore allowed by law, every pilot who shall bring in or carry out any ship or vessel from the ports or harbours of Charlestown, Georgetown, Beaufort or Stono Inlet, shall be entitled to demand and receive from the master, commander or owner of such ship or vessel the several sum and sums of money, rates and prices, mentioned in the following table, and no more viz: For six feet water or under, twelve pounds ten shillings currency, for seven feet fifteen pounds, for eight feet seventeen pounds ten shillings, for nine feet twenty pounds, for ten feet twenty two pounds ten shillings, for eleven feet twenty-five pounds, for twelve feet twenty-seven pounds ten shillings, for thirteen feet or under, thirty-two pounds ten shillings, for fourteen feet forty pounds, for fourteen feet and a half forty-seven pounds ten shillings, for fifteen feet fifty-five pounds, for sixteen feet sixty-five pounds, and for seventeen feet eighty pounds.

VII. And the better to enable the said commissioners of the navy to comply with the directions of this Act, *Be it further enacted* by the

authority aforesaid, That the expense of purchasing a pilot boat, to attend at Stono Inlet, of keeping in repair, arming, manning and victualling the said boats respectively, also of erecting land marks and placing buoys at the several places herein beforementioned, and all other charges and expenses that may be incurred thereby, shall be defrayed out of the monies already received and hereafter to be received for powder duty, at the several ports of Charlestown, Georgetown and Beaufort, and the powder receivers for the time being, at the ports of Charlestown, Georgetown and Beaufort respectively, shall once in every six months account for and pay to the said commissioners of the navy or pilotage, as the case may be, or to such person or persons as they shall appoint to receive the same, all such sum and sums of money as shall be paid into his and their hands for powder duty, save only the sum of five pounds per cent. for his or their trouble in receiving, accounting and paying the same; and if the said monies shall not be sufficient to defray the expenses aforesaid, then the balance due on that account shall be paid by the commissioners of the treasury out of any unappropriated monies that may be in the treasury.

A. D. 1778.

Expenses, how  
to be defrayed.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

AN ACT for laying out a road between Catawba River and Broad River, and for establishing a ferry on the lands of Mathew Bigger. No. 1086.  
(Passed March 28, 1778. *See last volume.*)

AN ACT for establishing several ferries, and also for reviving several laws for the establishment of several other ferries, and for other purposes therein mentioned. No. 1087.  
(Passed March 28, 1778. *See last volume.*)

AN ACT FOR APPOINTING COMMISSIONERS TO TAKE DOWN THE CHURCH IN THE PARISH OF ST. PAUL AND TO BUILD A NEW CHURCH ON OR NEAR THE PLACE WHERE THE PRESENT CHURCH NOW STANDS; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1088.

WHEREAS, the inhabitants of the parish of St. Paul have by their petition to the General Assembly of this State, represented that the church in the said parish is now in so ruinous a condition as to render it unsafe to perform divine service therein, that workmen have been employed to examine the same, and were of opinion that it must be taken down, to its foundation, and that the petitioners being anxious to have a public place of worship were willing and desirous at their own expence to build a new church near where the present one now stands on a different plan, and therefore prayed that commissioners should be appointed for that purpose, with power to take down the present church and to make use of all or whatever part of the materials thereof they may think proper towards building a new church,

Preamble.

A.D. 1778.

Commissioners  
appointed:  
their duties,  
&c.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the Rev. John Lewis, Andrew Leitch, Andrew Johnston, Thomas Farr, jr. Allen Miles, William McLaughlin, Robert Miles, John Sommers and John Wilson, be, and they are hereby, appointed commissioners for the taking down, or causing to be taken down, the present church in the said parish, and for building of a new one near where the present church now stands, and setting up pews in the same; and they, or any five of them, are hereby fully authorized and empowered, as soon as conveniently may be, to take or cause to be taken down the present church, to remove the materials thereof, and therewith and with such other additional materials as they shall think proper, to build a new church, at or near where the present church now stands, of such dimensions and form, and to erect pews of such dimensions and form therein, as the said commissioners or any five of them shall think proper; and to take subscriptions and sue for the same; and to receive, gather and collect all such sum and sums of money as any pious and well disposed person and persons shall give and contribute, or subscribe, or promise to give and contribute, for the purposes aforesaid; and in case of the death, absence or refusing to act of any of the said commissioners, the remaining commissioners, or any five of them, shall and may nominate and appoint another person or persons to be commissioner or commissioners, in the room or place of such person or persons so dying, absenting or refusing to act; and the commissioner or commissioners so nominated and appointed, shall have as full and ample power as any commissioner nominated in this Act.

Distribution of  
pews, &c.

II. *And be it further enacted* by the authority aforesaid, That the pews to be erected in manner aforesaid in the said new church, shall be disposed of in the manner following, that is to say: the persons who are possessed of pews in the present church and shall have contributed, by their former subscription being added to their present, most towards building the new one prayed for, shall be entitled to and have the first choice of the pews in the same; and in cases where it shall happen that such several persons have contributed alike, such persons shall draw lots for the choice; and after all persons so possessed of pews in the present church who shall have contributed as aforesaid shall have made their choice, then all persons not possessed of pews in the present church who shall have contributed most toward building the new one by virtue of this Act, shall be entitled to and have the first choice of the pews not before chosen; and in cases where it shall happen that several persons not having pews in the present church shall have contributed alike, such persons shall draw lots for the choice: and the said commissioners, or any five of them, are hereby empowered and required to convey the said pews to such persons, their heirs and assigns, for ever.

New church  
shall be the  
parish church.

III. *And be it further enacted* by the authority aforesaid, That the said new church so to be built as aforesaid by virtue of this Act, when finished, shall be, and is hereby declared to be, the parish church of St. Paul, to all intents, constructions and purposes whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1778.

No. 1089.

**AN ACT** FOR AMENDING AN ACT ENTITLED "AN ACT FOR REGULATING AND ASCERTAINING THE RATES OF WHARFAGE OF SHIPS AND MERCHANTIZE, AND ALSO FOR ASCERTAINING THE RATES OF STORAGE IN CHARLESTOWN;" AND FOR REPEALING THE FIRST CLAUSE OF THE SAID ACT.

WHEREAS, it is proper and expedient to alter and amend the first clause of an Act passed the twelfth day of April, one thousand seven hundred and sixty-eight, entitled "An Act for regulating and ascertaining the rates of storage in Charlestown;"

I. *Be it therefore enacted*, That immediately from and after the passing of this Act, the following rates and sums respectively shall be paid, and no greater shall be demanded or exacted by owners of wharves, or any other person, for wharfage of ships, vessels and merchandize, imported and exported, and also for weighing and storing of goods upon the wharves in Charlestown, to wit:

*Wharfage of ships and other vessels. For each and every day that such vessel respectively shall lay at any wharf.*

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| For every ship, snow, brigantine or billander, loading at a wharf,  | £ 0 15 00 |
| For every other such vessel laying, and not loading, at a wharf,    | 1 10 00   |
| For every sloop or schooner (coasters excepted) loading at a wharf, | 0 10 00   |
| For every sloop or schooner laying, and not loading, at a wharf,    | 1 00 00   |

*Wharfage of goods landed or laden from one vessel to another at any wharf.*

|                                                                                                                                                                                                                                    |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For every barrel or half barrel of rice or other grain of the produce of this State,                                                                                                                                               | 0 00 09 |
| For every barrel, box, cask or other package of Indigo,                                                                                                                                                                            | 0 02 06 |
| For every barrel of turpentine, pitch, rosin, tar, beef, pork, beer, cyder, small barrels of bread, and barrels of the like size with any other goods, (dry goods excepted,)                                                       | 0 01 00 |
| For corn, pease, oats and other grain, not in barrels, landed or taken in from any other vessel, laying at a wharf, and for salt landed or loaded on board any other vessel at the wharf, at the rate of, per hundred bushels,     | 0 10 00 |
| For every thousand feet of inch, three quarter inch or feather edge boards, landed or taken in from vessels, or from rafts laying by any vessel laying at a wharf, and in proportion for timber and plank reduced to inch measure, | 0 15 00 |
| For every thousand of shingles,                                                                                                                                                                                                    | 0 07 06 |
| For every thousand of barrel staves and barrel heading, landed or taken in as aforesaid,                                                                                                                                           | 0 12 06 |
| For every thousand of pipe staves, and hogshead staves or heading,                                                                                                                                                                 | 1 00 00 |
| For every thousand of bricks or hearth tiles,                                                                                                                                                                                      | 0 05 00 |
| For every cord of fire-wood,                                                                                                                                                                                                       | 0 05 00 |
| Do. of tanner's bark,                                                                                                                                                                                                              | 0 10 00 |
| For every article herein before enumerated that shall lie longer than one week upon any wharf, half the wharfage above rated for every week after the first,                                                                       |         |
| For every tierce of ship-bread, hogshead of wine, and other goods in hogsheads or tierces of about 63 gallons,                                                                                                                     | 0 01 06 |
| For every hogshead of rum, pipe of wine, and other goods in hogsheads and pipes of about 130 gallons,                                                                                                                              | 0 04 00 |
| For every hogshead of sugar or tobacco of one thousand weight,                                                                                                                                                                     | 0 05 0  |
| For every hogshead of sugar or tobacco of above one thousand weight,                                                                                                                                                               | 0 07 06 |
| For every hundred weight of hemp,                                                                                                                                                                                                  | 0 00 09 |

|                    |                                                                                                                                                     |         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>A. D. 1778.</b> | For every ton of logwood, fustick, lignumvite, landed or loaded from any other vessel at any wharf, and not laying above one week,                  | 0 07 06 |
|                    | And for every week after,                                                                                                                           | 0 05 00 |
|                    | For every ton of Brazileto, landed upon any wharf and not laying above one week,                                                                    | 0 07 06 |
|                    | Do. taken in by one vessel from another, at any wharf,                                                                                              | 0 07 06 |
|                    | Do. laying on a wharf longer than a week, each week,                                                                                                | 0 05 00 |
|                    | For every hundred feet of mahogany and other heavy wood, counting inch measure, taken on board any vessel laying at a wharf, from any other vessel, | 0 01 00 |
|                    | For every hundred feet of mahogany and other heavy wood, counting inch measure, not laying above one week,                                          | 0 01 00 |
|                    | And for every week after,                                                                                                                           | 0 00 09 |
|                    | For every ton of iron and other heavy goods,                                                                                                        | 0 05 00 |
|                    | For lime, at the rate of per hundred bushels,                                                                                                       | 0 10 00 |
|                    | For every large bale, hoghead, tierce or vat of the like kind,                                                                                      | 0 04 00 |
|                    | For every cask, trunk, case, chest, box, bundle, coil, cordage or hamper,                                                                           | 0 02 00 |
|                    | For every four wheeled carriage,                                                                                                                    | 1 00 00 |
|                    | Do riding-chair or chaise,                                                                                                                          | 0 10 00 |
|                    | For every pot, skillet or jug or keg of shot or paint, not enclosed in any package,                                                                 | 0 00 02 |
|                    | For every grind or quern stone,                                                                                                                     | 0 01 00 |
|                    | For every keg of bread, flour, butter, tallow, lard, and such like articles,                                                                        | 0 00 04 |
|                    | For every barrel of one hundred pounds weight of gunpowder,                                                                                         | 0 02 06 |
|                    | And in proportion for smaller barrels.                                                                                                              |         |
|                    | For every ton of coals,                                                                                                                             | 0 50 00 |
|                    | And for every week, after the first,                                                                                                                | 0 02 06 |
|                    | For every hundred of paving or Bermuda stones,                                                                                                      | 0 05 00 |
|                    | For every hundred of raw or tanned hides,                                                                                                           | 1 00 00 |
|                    | And in proportion for other quantities.                                                                                                             |         |
|                    | For every thousand of hay or corn blades,                                                                                                           | 0 05 00 |
|                    | And in proportion for smaller quantities.                                                                                                           |         |
|                    | For every other article of goods not before enumerated, at the rate of five shillings per ton, according to weight and measure.                     |         |

*Wharfage of goods loaded at or taken from any wharf by water.*

|                                                                                                                                                   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For every barrel or half barrel of rice,                                                                                                          | 0 00 09 |
| For every barrel, box, cask or other package of indigo,                                                                                           | 0 01 00 |
| For every barrel of turpentine, pitch, tar, rosin, beef, pork, beer, cyder, flour, bread or other package of the same size, (dry goods excepted,) | 0 00 09 |
| For every package of a smaller size, of beer, cyder, bread, butter, flour, or other goods, (dry goods excepted,)                                  | 0 00 04 |
| For every other species of goods, the same rates and allowances as for landing.                                                                   |         |

*Weighing of Goods and Merchandize.*

|                                                                                                                                                                                             |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For every barrel of rice or turpentine, weighing three hundred and seventy-five pounds and upwards, not exceeding six hundred and fifty pounds gross, if landed on the same wharf,          | 0 01 03 |
| Do. if not landed on the same wharf,                                                                                                                                                        | 0 01 06 |
| For every half barrel of rice, and for every barrel of turpentine, pitch, beef or pork, not weighing three hundred and seventy-five pounds gross, if landed on the same wharf,              | 0 01 03 |
| Do. if not landed on the same wharf,                                                                                                                                                        | 0 01 06 |
| For every tierce, barrel or hoghead, of any kind of goods, upwards of six hundred and fifty pounds and not exceeding eleven hundred pounds, (rice and indigo excepted,) per hundred weight, | 0 01 00 |
| For every barrel of rice weighing above six hundred and fifty pounds gross,                                                                                                                 | 0 01 06 |
| For every hoghead or cask of any kind of goods weighing upwards of eleven hundred pounds, per hundred weight,                                                                               | 0 01 06 |
| For every ton of fustick, logwood, brazilletto, lignum vitae or other wood, per ton weight,                                                                                                 | 1 10 00 |

|                                                                                                                                          |         |             |
|------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| For every ton of iron or other heavy goods,                                                                                              | 1 00 00 | A. D. 1778. |
| For every draft of deer skins, hemp, foreign bark, or any other kind of goods not weighing upwards of two hundred and fifty pounds,      | 0 02 06 |             |
| For every draft above two hundred and fifty pounds of such like goods,                                                                   | 0 05 00 |             |
| For every draught or package above two hundred and fifty weight and not exceeding five hundred weight, when no more than one is weighed, | 0 06 03 |             |
| For every barrel, hogshead or other package of indigo, taring included if required,                                                      | 0 05 00 |             |
| For every hogshead of tobacco,                                                                                                           | 0 15 00 |             |

*Storage of Goods.*

|                                                                                                                                                                                                           |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For every barrel or other cask or package of indigo, each hundred weight, each week,                                                                                                                      | 0 01 00 |
| For every hogshead, tierce, barrel, large trunk, case or bale of dry goods, that shall be put into any store for one or more nights, not exceeding one week,                                              | 0 05 00 |
| And for every week or part of a week after, the same rate as above.                                                                                                                                       |         |
| For every smaller cask, box, bag or other package of such goods, one or more nights, not exceeding one week,                                                                                              | 0 02 06 |
| And for every week or part of a week after, the same rate.                                                                                                                                                |         |
| For every hogshead of rum, tobacco, pipe of wine, tierce or hogshead of bottled liquor, and for every hogshead or large tierce of sugar, each week,                                                       | 0 05 00 |
| And for every week or part of a week, after the same rate.                                                                                                                                                |         |
| For every whole barrel of rice, not exceeding six hundred and fifty pounds gross, for the first and last week,                                                                                            | 0 02 00 |
| And for every intervening week, each barrel,                                                                                                                                                              | 0 01 00 |
| For every half barrel of rice, barrel of pork, beef, bread and other barrels and packages, not before rated, not weighing above three hundred and seventy-five pounds gross, for the first and last week, | 0 01 00 |
| And for every intervening week,                                                                                                                                                                           | 0 00 09 |

And in proportion to the foregoing rates for every other article not enumerated above according to size and weight.

II. *And be it further enacted* by the authority aforesaid, That the said first clause of the said Act entitled "An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown," which regulates and ascertains the rates of wharfage and storage in manner as therein declared, is hereby repealed, to all intents and purposes whatsoever.

III. Expired.\*

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

(The above is taken from Grimke—as the original is not now to be found.)

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\* This Act was perpetuated by revival Act of 1783.

A. D. 1778.

No. 1090. *AN ACT TO INCORPORATE THE VESTRY OF THE PARISH OF ST. JAMES GOOSE CREEK, IN BERKLEY COUNTY; AND TO ENABLE THE SAID VESTRY EFFECTUALLY TO PUT IN EXECUTION THE TRUST REPOSED IN THE SOCIETY FOR PROPAGATING THE GOSPEL IN FOREIGN PARTS, BY THE LAST WILL AND TESTAMENT OF THE REVEREND RICHARD LUDLAM, DECEASED, ACCORDING TO THE PIOUS INTENTIONS OF THE SAID TESTATOR; AND TO SETTLE AND ADJUST THE ACCOUNTS OF THE REVEREND JAMES HARRISON.*

Preamble.

WHEREAS, the Reverend Richard Ludlam, late of the parish of St. James Goose Creek, in the State of South Carolina, did, in and by his last will and testament, bearing date on or about the eleventh day of October, in the year of our Lord one thousand seven hundred and twenty-eight, give, devise, and bequeath all his estate, both real and personal, whether in South Carolina or elsewhere, to the honorable the Society for propagating the Gospel in Foreign parts, and to their successors forever, upon trust and confidence, that at their discretion and under their directions, a school for the instruction of poor children should be erected in the said parish of St. James Goose Creek aforesaid, out of the monies which should arise from the sale of his real and personal estate; and authorized his executors to make sale of such estate for the uses above mentioned, and remit the money which should arise therefrom to the said Society; And whereas, the said executors, having taken upon themselves the burthen of the execution of the said will, did dispose of part of the real and of all the personal estate of the said Richard Ludlam, for the use of the said Society, upon the trust and confidence abovementioned; And whereas, the said Society having never carried into execution the intentions of the said Richard Ludlam, are now become utterly incompetent to the purposes of his said will; but that the pious designs of the said testator should not be frustrated, it is expedient to vest such part of the real estate of the said Richard Ludlam as is undisposed of, and the monies and securities for monies which have arisen and been taken for the benefit of the said trust, in the vestry of the said parish of St. James Goose Creek, and to incorporate the same;

Vestry of St. James Goose Creek made a body corporate and the Ludlam fund vested in them.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That all and every the person and persons who now are vestrymen for the said parish, and their successors hereafter to be chosen and elected to serve as vestrymen for the said parish for the time being, shall be, and they are hereby declared to be, one body corporate and politic, in deed and in name, by the name of the vestry of the parish of St. James Goose Creek; and by the said name the said vestry so to be chosen and elected as aforesaid, shall from time to time, and at all times hereafter, have perpetual succession and a common seal, with full power and authority to change, alter, break and make new the same when and as often as they shall see expedient; and that the said vestry for the time being, and their successors, are hereby declared able and capable in law to have, hold and receive, enjoy, possess and retain to them and their successors the vestry of the said parish for the time being, all such estate, real or personal, goods, chattels and effects, as by the will of the said Richard Ludlam were bequeathed or devised to and for the

charitable uses and intents in the aforesaid will mentioned, or which have been or shall be purchased for the use and benefit of the said donation, and all securities for the same; and by the same name shall sue and be sued, implead and be impleaded, answer and be answered, in any court or courts within this State.

A. D. 1778.

II. And whereas, the Reverend James Harrison, late rector of the said parish of St. James Goose Creek, was appointed by the said society for propagating the gospel in foreign parts as their attorney to manage the said trust, whereby he became possessed of and now hath all the monies, bonds and other securities for monies, deeds and other papers relative and belonging to the same; and whereas, the said James Harrison, by his removal from the said parish, is become incapable of transacting the business heretofore committed to his charge, and it is necessary that he should settle the accounts of the said trust; *Be it therefore enacted* by the authority aforesaid, That the said James Harrison, his executors or administrators, shall within three months from the passing of this Act render in upon oath to the said vestry, a true and just account of all sums of money in his possession which belonged to the said trust, and pay the same within one month thereafter to the said vestry for the time being, and deliver to them all bonds and other securities for monies, and also all deeds, evidences and writings touching or concerning any part of the estate of the said Richard Ludlam, deceased, and all other deeds and writings relative to the said trust.

Harrison or his executors to turn over the fund, &c. to the said vestry.

III. *And be it also enacted* by the authority aforesaid, That after an account shall be taken and a copy thereof recorded in the secretary's office by the said vestry of the moneys and effects of and belonging to the said donation, the same shall be deemed and taken as the capital stock of the said vestry, and shall be kept and placed out at interest or otherwise improved as they shall think best; and the future interest and produce thereof shall thereafter be applied towards building and repairing a school or schools, and paying a school master or school masters, and for and towards the support, maintenance, tuition and education of such of the children of the poor of the said parish of St. James Goose Creek as shall be thereafter sent to school, in such manner and according to such rules as shall be established by the vestry for the time being of the said parish.

Vestry shall deposit an account of the effects in the secretary's office, and how the fund shall be disposed of.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the vestry of the said parish and their successors for the time being, to sell and dispose at public auction of all such lands as were of the said Richard Ludlam at the time of his decease and have not been heretofore disposed of; and on receipt of the money for which the same shall be sold, to execute conveyance for the same, good and sufficient in law; which said money shall be considered and go as the capital stock of the said vestry, and be kept and placed out at interest, or otherwise improved as aforesaid.

Lands not disposed of may be sold.

V. *And be it further enacted* by the authority aforesaid, That no person or persons whomsoever shall be elected, deemed or taken as a member or members of the said vestry or have a right to vote as such, until he or they shall have taken and subscribed the following oath, to wit; "I, A. B., do swear that I do not owe or am indebted to the vestry of the parish of St. James Goose Creek on account of the donation of the Reverend Richard Ludlam, deceased, any sum or sums of money whatever; and I do solemnly promise that I will not during the time of my being a vestryman apply for or take up at interest any sum or sums of money of or from the said vestry: So help me God:" which oath shall be administered by some

Vestrymen to make oath.

A. D. 1778.

justice of the peace in and for Berkley county, and by him certified to the said vestry.

Vestry may hold all property bequeathed for charitable purposes.

VI. *And be it further enacted* by the authority aforesaid, That the said vestry shall be, and they are hereby, declared able and capable in law to have, hold, receive, enjoy, possess and retain to them all such other estate, real and personal, money, goods, chattels and effects, as have been already devised or bequeathed, or hereafter shall be devised or bequeathed to charitable uses within the said parish of St. James Goose Creek; subject, nevertheless, to the will, directions or appointments of the donor or donors.

VII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken as a public Act, and notice shall be taken thereof in all courts of justice and elsewhere in this State, and shall be given in evidence on the trial of any issue or cause without special pleading.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1091. *AN ACT* TO ALLOW THE COMMODORE OF THIS STATE A SHARE IN ALL PRIZES TAKEN BY VESSELS OF WAR FITTED OUT BY AND AT THE EXPENSE OF THIS STATE, AND SAILING UNDER HIS ORDERS; AND TO ALTER AN ACT ENTITLED "*An Act to empower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the Ships and other Vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said court in cases of capture, and for other purposes therein mentioned.*"

Preamble. WHEREAS, by an Act of this State, passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, entitled "An Act to empower the court of admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said court in cases of capture, and for the other purposes therein mentioned," it is among other things enacted, that vessels of war belonging to the King of Great Britain, or privateers fitted out for the purpose of cruising against the subjects of the United States of America, and not for trade, with their guns, tackle, furniture, apparel, and all merchandize found on board, taken by any vessel of war fitted out by and at the expense of the State, shall, after payment of the fees of condemnation, be wholly divided and shared to and amongst the officers, seamen and mariners, or persons acting as such, on board of or belonging to such vessels of war, in the manner by the said Act directed; and whereas, by the appointment of a commodore to command the navy of this State, it is become absolutely necessary to alter the manner of dividing the above mentioned captures, where the same shall be taken by any vessel of war fitted out by and at the expense of this State, and sailing under the commodore's orders;

I. *Be it enacted* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all vessels of war belonging to the King of Great Britain, or privateers fitted out for the purpose of cruising against the subjects of the United States of America, and not for trade, with their guns, tackle, furniture, apparel and all other merchandize found on board, taken by any vessel of war fitted out by and at the expense of this State, and sailing under the orders of the commodore thereof, shall, after payment of the fees of condemnation, be wholly divided and shared to and amongst the commodore, officers, seamen and marines on board of or belonging to such vessels of war, in the following manner (that is to say) two sixteenths to the commodore, three sixteenths to the captain or captains, two sixteenths to the lieutenants, officers of marines and master, two sixteenths to the warrant officers and pilot, two sixteenths to the petty officers, and five sixteenths to the seamen, mariners or other persons acting as such; any thing in the said Act or any other law contained to the contrary in any wise notwithstanding. A. D. 1778.

II. *And be it further enacted* by the authority aforesaid, That the commodore of this State shall be entitled to one full sixteenth of all ships and vessels, except vessels of war, with their tackle, apparel and furniture, goods, wares and merchandize, belonging to any inhabitant or inhabitants of Great Britain or any subject or subjects of the King of Great Britain (except the inhabitants of Burmuda and Providence or Bahama Islands) which shall be hereafter taken by any vessel of war fitted out by and at the expense of this State, and sailing under the orders of the commodore thereof, which said sixteenth shall be paid out of the half of such captures to which this State is or shall be entitled.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

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AN ACT for incorporating the Saint David's Society.

No. 1092.

(Passed March 28, 1778. *See last volume.*)

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(The Ordinance not now to be found; Grimke has preserved the title only: as follows.

AN ORDINANCE for procuring labourers for the public works.

No. 1093.

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AN ORDINANCE FOR APPOINTING A RECEIVER, AUDITOR AND ACCOUNTANT GENERAL OF THE PUBLIC ACCOUNTS. No. 1094.

WHEREAS, it has been deemed necessary for the public service that a receiver, auditor and accountant general be appointed for receiving, examining and properly investigating the accounts which are daily brought in against the public by the different persons employed in the service of this Preamble.

A. D. 1778.

State, in order to prevent the errors and detect the impositions which the same may be subject unto ; and whereas, it is also deemed necessary that the duty of such receiver, auditor and accomptant general be ascertained and properly explained, and that a sufficient salary be appointed for the said office.

Receiver and  
accomptant  
general to be  
appointed.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after passing of this Ordinance a receiver, auditor and accomptant general of the the public accounts shall be chosen by the Legislative Council and General Assembly, jointly by ballot in the Legislative Assembly, and the person so chosen shall be receiver, auditor and accomptant general of public accounts, and shall immediately on entering upon his office commence a new set of books for the treasury accounts, to be kept from the first day of January, one thousand seven hundred and seventy-eight, into which he shall transcribe the debts then due to and from the State, dividing and arranging them under proper heads and charges by double entry ; and all receipts and disbursements since the said first day of January, one thousand seven hundred and seventy-eight, and for the future, shall be in like manner carefully digested, journalized and posted monthly.

His duties.

II. *And be it also ordained* by the authority aforesaid, That the said receiver, auditor and accomptant general shall keep his office open from nine to one o'clock every day, (Sundays excepted) to receive all accounts against the public, taking due care that those accounts be attested, (except where the nature of the case will not admit of it) and certified by the proper officers, commissioners or superintendants, each account to include such articles only as come properly under one head, in order that vouchers may be distinctly kept for different services.

III. *And be it further ordained* by the authority aforesaid, That the said receiver, auditor and accomptant general shall carefully examine the accounts, note all errors and impositions, and make such observations as he finds requisite, and lay the whole before the General Assembly or House of Representatives, if sitting, and during their recess before the President and Privy Council, once in two months, or oftener if required, with an alphabetical list, for their approbation, that orders on the treasury may issue for payment.

IV. *And be it further ordained* by the authority aforesaid, That the said receiver, auditor and accomptant general shall also audit and direct the mode of keeping the public store accounts, the arsenal accounts, powder receiver's accounts, and the accounts of all commissioners appointed or to be appointed for transacting any public business.

His salary.

V. *And be it further ordained* by the authority aforesaid, That the said receiver, auditor and accomptant general shall be allowed a salary of five thousand pounds per annum, as a full compensation for his services and all expenses incidental to his office ; Provided that no person who shall be chosen and serve as receiver, auditor and accomptant general shall thereafter during his continuance in office be eligible to serve or sit in either House of the Legislature or in the Privy Council.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to :* RAWLINS LOWNDES.

A. D. 1778.

**AN ORDINANCE FOR FIXING THE SALARIES OF THE DIFFERENT PUBLIC OFFICERS OF THIS STATE, AND THE TIME AND MANNER OF PAYING THE SAME.**

No. 1096.

WHEREAS, by the Constitution or form of Government, passed on the nineteenth day of March, instant, it is declared that adequate salaries shall be allowed and fixed to public officers, by laws passed for that purpose;

Preamble.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That the following sums of money shall be fixed as the yearly salaries of the public officers hereinafter mentioned, to be paid at such times and in such proportions to the said officers as hereinafter directed, that is to say: To the President or Governor and Commander-in-chief for the time being, there shall be paid out of the public treasury of this State the sum of five thousand five hundred and forty dollars, as a yearly salary for the duties of that office; to the Chief Justice of this State, there shall be paid in like manner the sum of two thousand one hundred and fifty-four dollars, in lieu of all charges for fees on criminal prosecutions; to each of the Assistant Judges of this State, there shall be paid in like manner the sum of two thousand one hundred and fifty-four dollars, in lieu of all charges for fees on criminal prosecutions; to the Attorney General of this State, there shall be paid in like manner the sum of one thousand two hundred and ninety-three dollars, in lieu of all charges against the public for fees on criminal prosecutions; to each of the Commissioners of the Treasury of this State, there shall be paid in like manner the sum of two thousand pounds current money; and to the present Ordinary, during his continuance in that office, the sum of one thousand pounds current money.

Salaries of public officers.

II. *And be it further ordained* by the authority aforesaid, That the salaries of the different public officers hereinbefore named, and which are fixed by this ordinance, shall be paid to such officers respectively by quarterly payments, once in every three months, out of the public treasury as aforesaid; any law to the contrary in any wise notwithstanding.

To be paid quarterly.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to: RAWLINS LOWNDES.*

**AN ORDINANCE FOR REPEALING AN ORDINANCE ENTITLED "An Ordinance for establishing an Oath of office to be taken in manner therein mentioned," AND FOR ESTABLISHING A NEW OATH TO BE TAKEN BY THE COMMANDER-IN-CHIEF OF THIS STATE AND THE MEMBERS OF THE PRIVY COUNCIL UPON THEIR ENTERING INTO OFFICE.**

No. 1096.

WHEREAS, in and by an Ordinance passed the sixth day of April, in the year of our Lord one thousand seven hundred and seventy-six, an

Preamble.

A. D. 1778.

oath of office is thereby ordained to be taken by all public officers; and whereas, in and by the Constitution, or form of Government, passed the nineteenth day of March, one thousand seven hundred and seventy-eight, a new oath of office is thereby provided to be taken by all public officers; therefore,

Former ordinance repealed.

I. *Be it ordained, and it is hereby ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority oft he same, That from and immediately after the passing of this Ordinance, every article and clause contained in the said above recited Ordinance shall be, and is hereby declared to be, repealed and made void and of none effect.

Oath of the Governor.

II. *And be it further ordained* by the authority aforesaid, That every future Governor and Commander-in-chief shall, before entering upon the execution of his office, take the following oath, "I, A. B., do solemnly promise and swear to preside over the people of this State according to the Constitution or form of Government established therein, and the laws thereof: That I will cause law and justice in mercy to be executed; and to the utmost of my power maintain and defend the laws of God, the protestant religion, and the liberties of America: So help me God."

Of members of the council.

III. *And be it further ordained* by the authority aforesaid, That all future members of the Privy Council shall take the following oath of office, to wit: "I, A. B., solemnly promise and swear that I will well and faithfully execute the duty of a member of the Privy Council of this State, according to the Constitution or form of Government established therein, and the laws thereof; and that I will keep secret all matters and things which shall come to my knowledge as a member of the Council, the discovery of which may be prejudicial to the liberties of America or of this State, or the secrecy whereof shall be enjoined by the Council: So help me God."

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1097. *AN ORDINANCE FOR STAMPING AND ISSUING THE SUM OF ONE HUNDRED thousand pounds; and for enabling the Commissioners of the Treasury to borrow on loan the sum of two million of dollars; and in case the said sum cannot be borrowed in due time to supply the exigencies of the State, to enable the President, with the advice of the Privy Council, to stamp and issue the sum of one million of dollars; and for other purposes therein mentioned.*

Preamble.

WHEREAS, it is necessary for the public service of this State that the sum of one hundred thousand pounds should be issued in small bills, not exceeding the denomination of thirty shillings currency, and that the President should be impowered, with the advice of the Privy Council, to issue the sum of one million of dollars, in case the sum of two millions of dollars cannot be borrowed on loan in due time to supply the exigencies of the State;

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief of the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That Thomas Radcliffe, jr. Jonathan Sarrazin, McCartan Campbell, John Peronneau, William Hazell Gibbes, William Mathews, John Beale, William Roper, John Neufville, jr. Charles Pinckney, jr. Wm. Burrows, jr. Jacob Read, Nicholas Langford, Thomas Inglis and Henry Crouch, be, and they are hereby appointed, commissioners to put in execution the several powers and authorities hereinafter mentioned.

A.D. 1778.

Commissioners appointed.

II. *And be it further ordained* by the authority aforesaid, That the said commissioners shall have power, and they are hereby authorized, to print or stamp and sign the sum of one hundred thousand pounds in bills of credit, with such devices and signatures as they shall think fit, of the following value and denominations, that is to say; thirty thousand bills of the denomination and value of two shillings and six pence; thirty thousand bills of the denomination and value of three shillings and nine pence; thirty thousand bills of the denomination and value of five shillings; thirty thousand and two hundred bills of the denomination and value of seven shillings and six pence; thirty thousand and one bills of the denomination and value of ten shillings; twenty thousand bills of the denomination and value of fifteen shillings; twenty thousand bills of the denomination and value of twenty shillings; fourteen thousand five hundred and thirty-three bills of the denomination and value of thirty shillings; all of which said bills shall be numbered and signed by any two of the said commissioners, and shall according to their respective denominations be of the following tenor, that is to say:

Bills to be issued.

"SOUTH CAROLINA.

(No. ———.)

"——— lawful money. Dated the —— day of ——, one thousand seven hundred and ——."

III. *And be it further ordained* by the authority aforesaid, That one or other of the said commissioners shall constantly attend the press at all times when any impressions of the said bills are making, and shall keep all and every plate and plates, or forms, in safe custody at all other times, to prevent any impressions thereof being made in the absence of the said commissioners; and when the whole number of the bills as aforesaid shall be run off, the said plates or forms shall be obliterated or destroyed in presence of a committee of both Houses at the then next meeting of the General Assembly.

The plates to be watched.

IV. *And be it further ordained* by the authority aforesaid, That all the bills to be stamped, printed and issued in virtue of this ordinance, shall, after they are signed and numbered as aforesaid, be delivered to the commissioners of the treasury, and a particular receipt taken for the same from the said commissioners of the treasury, in a book to be kept for that purpose, which book of receipts shall be delivered to the committee who may be appointed to obliterate or destroy the said plates or forms.

The bills to be delivered to the treasurers.

V. *And be it further ordained* by the authority aforesaid, That the said commissioners of the treasury shall have full power and authority, and are hereby duly authorized and empowered, to take up upon loan for the use of this State, the sum of two million of Spanish milled dollars, or any part thereof, at the rate of thirty-two shillings and six pence currency each, or the value thereof, in any money current in this State, from any person or persons, company or body corporate, willing to lend the same or any part thereof, on interest at the rate of seven per centum for every year, for the repayment whereof, with the above mentioned interest, the

\$2,000,000 to be borrowed.

A. D. 1778.

said public treasury shall be liable, and the faith of the State is hereby pledged.

Certificates to  
be given there-  
for.

VI. *And be it further ordained* by the authority aforesaid, That for each sum of money lent to the public upon this Ordinance, the commissioners of the treasury shall give to the lender a certificate in manner and form as is directed in and by an Act of the General Assembly passed the twenty-third day of December one thousand seven hundred and seventy-six.

\$1,000,000 in  
bills may is-  
sued.

VII. *And be it further ordained* by the authority aforesaid, That in case the above sum of two millions of dollars cannot be borrowed in due time to supply the exigencies of the State, that then and in such case his Excellency the President, by the advice of the Privy Council, shall be, and he is hereby, enabled to cause bills to the amount and value of one million of Spanish milled dollars to be printed and stamped, in such manner as he shall think proper, and to appoint commissioners for signing and numbering the said bills.

To be legal  
tender.

VIII. *And be it further ordained* by the authority aforesaid, That all and every such bills of credit as shall be stamped or printed and issued by virtue of this Ordinance, shall be current in all payments for the sum of money therein mentioned, and shall be taken and deemed a good tender in law.

Penalty for  
counterfeiting.

IX. *And be it further ordained* by the authority aforesaid, That if any person or persons whosoever, shall forge, counterfeit or utter any bill or bills in imitation, likeness or similitude of any of the bills of credit directed in, and which shall be stamped or printed and signed by virtue of this Ordinance, knowing the same to be forged and counterfeited, or shall counsel, advise, procure, or any ways assist in the counterfeiting, impressing, stamping or signing of any such bill or bills, or that shall engrave any plate or make any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, that then all and every such person and persons so offending and being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer the pains of death as a felon without the benefit of the clergy.

X. And whereas, many persons who have left this State, have not constituted any attornies or any persons publicly known to be such, and many who have constituted attornies have not left their bonds and notes with them, in consequence whereof many persons indebted by bond and note and desirous of discharging the same, are prevented: *Be it therefore further ordained* by the authority aforesaid, That in every such case, if the person so indebted shall pay the principal and interest due on such bond or note into the public treasury of this State for the use of his creditor, then and in such case, every debtor who shall so pay the principal and interest as aforesaid, shall be discharged from such debt, and upon any action brought, may give this Ordinance and the special matter in evidence; and the commissioners of the public treasury are hereby authorized, empowered and directed, upon tender made to them, to receive such monies for the use of the proprietors of such bonds and notes.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of March, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1778.

**AN ORDINANCE** FOR PROHIBITING THE EXPORTATION OF ALL KINDS OF PROVISIONS, HEMP AND CORDAGE, FROM THIS STATE, TO CERTAIN TIMES THEREIN LIMITED; AND FOR INFLICTING PENALTIES ON ALL PERSONS WHO SHALL VIOLATE ANY EMBARGO WHICH MAY BE HEREAFTER LAID BY HIS EXCELLENCY THE GOVERNOR OR COMMANDER-IN-CHIEF OF THIS STATE, AGREEABLE TO THE CONSTITUTION. No. 1098.

WHEREAS, the Legislature of this State think it expedient that an embargo should be laid on all kinds of provisions until the fifteenth day of November next, unless his Excellency the President, with the advice and consent of the Privy Council, shall think it expedient sooner to take off the said embargo, by proclamation; and whereas, it is also expedient that penalties should be inflicted on all persons who shall violate any embargo which shall hereafter be laid agreeable to the Constitution of this State.

Preamble.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That it shall not be lawful for any person or persons, on or before the fifteenth day of November next, to ship, lade or receive on board any ship, vessel or boat, any rice, indian corn, pease, flour, buiscuit, wheat, rye, small-rice, beef, pork, bacon, or any other kind of provisions whatsoever, (except for necessary provisions on the then next intended voyage of such ship, vessel or boat) upon pain of forfeiting all and every the said provisions and other prohibited articles found on board the same, and also treble the value thereof to be paid by the owner or owners, shipper or shippers of such prohibited articles as aforesaid; one moiety thereof for the use of this State, and the other moiety to him, her or them who will inform and sue for the same, in any court of record in this State, by action of debt, bill or plaint, or in the court of admiralty of this State, which said court is hereby authoized and empowered to have jurisdiction of every such cause, if brought before them, and shall proceed to hear, try and determine the same, agreeable to the directions laid down and prescribed by an Act of the General Assembly of this State, passed the thirteenth day of February, one thousand seven hundred and seventy-seven, entitled "An Act to empower the court of admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said court in cases of capture, and for other purposes therein mentioned;" and the master, mate and other mariners of any such ship, vessel or boat, wherein any such offence shall be committed, knowing the same and willingly aiding and assisting therein, and being thereof duly convicted as aforesaid, shall be imprisoned for the space of three months without bail or mainprise; Provided, nevertheless, that nothing herein contained shall extend or be construed to extend to restrain or prevent any person or persons to ship and export any of the provisions before enumerated, after his Excellency the President, by and with the advice and consent of the privy council, shall think proper to issue his Proclamation giving permission for exporting the said provisions or any part thereof, at any time before the said fifteenth day of November next.

Exportation of provisions prohibited.

A. D. 1778.

Governor may  
lay an embargo  
by proclama-  
tion.

II. *And be it further ordained* by the authority aforesaid, That whenever the Governor or Commander-in-chief of this State, by and with the advice and consent of the Privy Council, shall think proper to issue and cause to be published a Proclamation agreeable to the Constitution of this State, prohibiting the exportation of any kind of provisions or other goods and merchandize, it shall not be lawful for any person or persons whomsoever, to ship or lade on board of any vessel, ship or boat in this State, any such provisions or other goods or merchandize so prohibited by such Proclamation, upon pain of forfeiting all and every the said provisions and other prohibited articles found on board the said ship, vessel or boat, and also treble the value thereof to be paid by the owner or owners, shipper or shippers of such prohibited articles, one moiety thereof to the use of this State, and the other moiety to him, her or them who will inform and sue for the same, in any court of record in this State, by action of debt, bill or plaint, or in the court of admiralty as aforesaid.

Hemp, cord-  
age, beef and  
pork.

III. And whereas, the scarcity of hemp, cordage, salted beef and pork, in this State, makes it necessary that the same should be prohibited from being exported for a longer time than the aforementioned articles: *Be it therefore ordained* by the authority aforesaid, That it shall not be lawful for any person or persons whomsoever, from and after the passing of this Ordinance, to ship or lade on board of any ship, vessel or boat, for exportation, any hemp or cordage, or any salted beef or pork (except for necessary provisions on the then next intended voyage of such ship, vessel or boat from this State) until the first day of October, one thousand seven hundred and seventy-nine, on pain of forfeiting the said hemp, cordage, salted beef and pork, and also treble the value thereof, to be paid by the owner or owners, shipper or shippers, of such hemp, cordage, salted beef or pork, one moiety thereof to the use of this State, and the other moiety to him, her or them who will inform and sue for the same, in any court of record in this State, by action, of debt, bill or plaint, or in the court of admiralty as aforesaid; Provided always, that nothing herein contained shall extend or be construed to extend to prevent the Governor or Commander-in-chief for the time being, with advice of the Privy Council, from sending any provisions to any of the militia or troops of this State who may be sent out of the same on public service.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of September, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1099. *AN ACT* TO IMPOWER THE EXECUTORS NAMED IN THE LAST WILL AND TESTAMENT OF THOMAS LOUGHTON SMITH, ESQ., DECEASED, TO SELL AND DISPOSE OF HIS REAL ESTATE, FOR THE USES THEREIN MENTIONED.

Preamble.

WHEREAS, Elizabeth Smith, Ann Loughton Smith, Claudia Smith, Maria Smith and Harriott Smith, only children of Thomas Loughton Smith, late of Charlestown, Esq., deceased, infants, by Elizabeth Cletherall, their mother and guardian, and Thomas Smith, Esq., one of the Executors of the last will and testament of the said Thomas Loughton Smith, deceased, by their petition to the General Assembly, setting forth that the said Thomas

A.D. 1778.

Loughton Smith, on or about the twenty-eighth day of October, in the year of our Lord one thousand seven hundred and seventy-one, made his last will and testament in writing, and therein, after several pecuniary legacies and bequests, did direct that all the residue and remainder of his estate, real and personal, should be sold at the discretion of his executors, and the monies arising therefrom placed at interest, on good securities, for the benefit of all his children, and paid them on their arrival at the age of twenty one years or day of marriage, and of his said will appointed his said wife Elizabeth, Executrix, and Thomas Smith, George Inglis, Alexander Inglis and William Smith, executors: that the said Thomas Loughton Smith executed the said will in the presence of but two witnesses, and on or about the sixteenth day of April, in the year of our Lord, one thousand seven hundred and seventy-three, departed this life without altering or revoking the same, leaving issue, the said petitioners Elizabeth, Ann Loughton, Claudia and Maria, and his wife encient with child, who was born after his death, viz: the said Harriott, and no other issue; that after his death, the said George Inglis, (now deceased) duly proved the said will and qualified as executor thereof, in the court of ordinary of this State; that the said Thomas Loughton Smith was, at the time of making and executing the said will, and also at the time of his decease, seized in his demesne as of fee and possessed of a house and lot of land in Church-street, Charlestown aforesaid, a plantation or tract of land in the Parish of Saint James Goose-Creek, being together of the value of forty-two thousand pounds current money of this State, and also a tract of three thousand acres of land in the back parts of this State; that although the said Thomas Loughton Smith did expressly direct, by his said will, that the said real estate should be sold by his executors and the money to arise from the sale put to interest and improved for the benefit of his said children, yet the said executor apprehended he had no authority for that purpose, as the said will was not executed in the presence of three witnesses, as required by the statute made for the prevention of frauds and perjuries, of force in this State; that therefore an application was made to the court of chancery of this State, for the sale thereof, but such application was ineffectual, as that court were of opinion they were not invested with sufficient authority to decree a sale of the same; that the said children are co-heiresses and entitled to the said land in the same shares and proportions as they would be to the money which would arise from the sale thereof; that from the impracticability of dividing the said lands into five equal shares, no equal partition of the land itself can ever be made between the said children; that it would be considerably more for the benefit of the said children, that the said estate should be sold and the money to arise from the sale put at interest for their use, than that the said estate should be kept together; and praying the aid of the Legislature of this State, that an Act may be passed for the purposes aforesaid: and whereas, sufficient proof hath been made of the truth of the allegations in the said petition contained;

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Act, the fee-simple and inheritance of all the real estates whereof the said Thomas Loughton Smith was seized, at the time of his death, shall be vested, and the same are hereby, vested in the said Thomas Smith and Alexander Inglis, Esqs., and the survivor of them and his heirs; upon trust, nevertheless, that they, the said Thomas

Executors to  
sell the real  
estate.

A. D. 1778.

Smith and Alexander Inglis, or the survivor of them, or the heirs of such survivor, do and shall, and they are, and he is, hereby, fully authorized and empowered to sell, alien, convey and dispose in fee simple to the highest bidder or bidders, at public sale, after legal notice of such sale, of all and singular the said real estate, together or in parcels, as they shall judge most for the benefit and advantage of the parties interested therein; and also to make good and sufficient titles and conveyances in the law to such purchaser or purchasers respectively; and upon this further trust, that they, the said Thomas Smith and Alexander Inglis, and the survivor of them, and the executors and administrators of such survivor, do and shall place and let out, and, from time to time, keep at interest, upon good securities, all the monies that shall arise from the sale or sales aforesaid, for the use and benefit of the said children of the said Thomas Loughton Smith, deceased, and pay or deliver to them, as they shall respectively arrive to the age of twenty-one years or be married, a proportionable share of the said monies and interest.

Provision as to  
descent.

II. *And be it further enacted* by the authority aforesaid, That if all or either of the said children shall die without being married and before her or their arrival to the age of twenty-one years, that the said monies, with the interest which shall have accrued thereon, shall be held and taken as land, and descend in the same manner as the said real estate of the said Thomas Loughton Smith would have done if not sold by virtue hereof; saving and reserving to all and every person and persons whomsoever, (other than the said children and their heirs) all his, her and their right, title, interest, claim and demand whatsoever, of, in or to the said premises, or any of them, every or any part or parcel thereof; any thing herein contained to the contrary thereof, notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 28th day of September, 1778.*

*Assented to:* RAWLINS LOWNDES.

- No. 1100. AN ACT for establishing a Ferry over Savannah River, from the Town of Purrysburgh, in this State, to Abercorn or Joseph-Town in the State of Georgia; and for vesting the same in John Vauchier, his Executors, Administrators and Assigns, for the term therein mentioned.

(Passed September 28, 1778. See last volume.)

- No. 1101. AN ACT FOR ENLARGING THE TIME FOR TAKING THE OATH OF ALLE-  
ANCE AND FIDELITY; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by an Act passed on the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and seventy-eight, every free male inhabitant of the State of South Carolina, above a certain age, is obliged to give assurance of fidelity and allegiance to the same, by taking and subscribing an oath of allegiance and fidelity at the times and

in the manner therein mentioned : and whereas, many of the citizens of the said State have, through ignorance, mistake, absence, or some unavoidable accident, neglected to take and subscribe the said oath at the times or in the manner therein mentioned, whereby they become liable and subject to the pains, penalties and incapacities inflicted by the said Act.

A. D. 1778.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all persons who have taken the oath aforesaid, before one of the justices of the peace for the said State, within the time by law limited for taking the same, before the captain or commissioned officer, shall, on producing a certificate from the justice of his having so taken the oath, and then subscribing the said oath before the captain or commanding officer of the company to which he shall belong, be entitled to all the privileges of a free citizen, and not be liable to any of the pains, penalties or disabilities of the said Act ; any thing therein contained to the contrary thereof in any wise, notwithstanding.

Persons who  
have taken the  
oath.

II. And whereas, there are several persons in this State, well affected to the interest of the United States of America, who have omitted to take the said oath from negligence, inadvertency or accident, or may have taken the same, after the time limited for taking thereof was expired :

*Be it therefore enacted* by the authority aforesaid, That the Colonel or commanding officer of each regiment or battallion of militia of this State shall, immediately after the passing of this Act, be furnished with a sufficient number of copies of the same, at the public expense, and shall thereupon, under the penalty of one thousand pounds for every neglect, serve each and every captain or commanding officer of every company in his regiment with a copy thereof, likewise at the public expense, which captain or commanding officer of militia shall thereupon, under the penalty of five hundred pounds currency for every neglect, summon or cause to be summoned and called out his said company on or before the thirtieth day of November next, giving each man notice of the reason of such summons, and three days notice of the time of meeting, and shall examine the certificate of each person having taken the said oath, and such of them as shall have a certificate dated subsequent to the time limited by the said law, or shall not be able to produce any certificate, he shall cause to be draughted, and out of the remainder who shall have taken the said oath pursuant to the directions of the said Act, twelve persons shall be chosen by ballot, who shall be, and they are hereby appointed, commissioners to examine, upon oath, (which oath the captain or commanding officer of the company to which they belong is hereby empowered and required to administer) into the cases of all and singular the said persons so draughted, whether they and each of them have neglected to take the said oath from disaffection to this State ; and if the said commissioners shall find that the said person or persons did not omit to take the said oath from disaffection, but were true and faithful citizens of the said State, before the expiration of the times limited by law for taking the said oath, then and in such case, it shall and may be lawful to and for all and every such person and persons to take and subscribe before his or their captain or commanding officer of the company to which he or they shall belong, the said oath of fidelity and allegiance, which oath the said captain or commanding officer is hereby required to administer, and on taking and subscribing the said oath, all and every such person and persons is and are hereby restored to all the rights and privileges of free citizens, and shall not be liable to any of the

Provisions as  
to persons who  
have not taken  
the oath.

A. D. 1778.

pains, penalties or disabilities in the said Act mentioned; anything therein contained to the contrary hereof, in any wise notwithstanding; and if it shall so happen that there shall not be a sufficient number of men in any company, who have taken the said oath in the manner and within the time prescribed by law, then and in such case, the twelve persons chosen by ballot from the nearest company thereto, shall, and they are hereby declared to be, commissioners to try and approve the company being so deficient as aforesaid.

Persons unavoidably prevented from taking the oath on the day fixed, may do so at the courts.

III. *And be it further enacted* by the authority aforesaid, That if it shall so happen that any person or persons, having heretofore neglected to take the said oath, shall, by any unavoidable accident, be prevented attending the said muster, it shall and may be lawful for such person and persons to apply to the next sitting of the court or courts of common pleas, for the district where he or they reside, if in Charlestown district at or before next February court, and if in either of the districts of Georgetown, Beaufort, Cheraw, Camden, Ninety-Six or Orangeburgh, at or before the respective courts of November or April next, at farthest, the jury whereof, by the direction of the Judge, are hereby impowered to make inquest into the merits of their application, and if the said jury shall see fit, the said judge is hereby required to give such person and persons certificates on their taking the said oath before them, and subscribing the said oath before their captain or commissioned officer, the said person and persons shall be, and he and they is and are hereby declared to be, indemnified from all the disabilities of the said Act, and to be recapacitated and restored to the same state and condition as if they and every of them had taken and subscribed the said oath in the manner and within the times by the said Act prescribed; anything in the said Act to the contrary notwithstanding.

Persons who do not take the oath, banished.

IV. *And be it further enacted* by the authority aforesaid, That all and every person and persons as aforesaid, neglecting or refusing to take the said oath within the time herein limited, or to whom on such trial as above specified the said oath shall be deemed improper to be administered, shall be obliged immediately to sell and dispose of his or their estate or estates, and to depart this State within one month thereafter, on pain of forfeiting such estate or estates; and if any such person or persons shall refuse or neglect to depart the State within the time limited by this Act, or shall return to this State without having first had the permission of the Legislative authority thereof, all and every such person and persons shall, on conviction, suffer death without benefit of clergy.

Persons of religious scruples.

V. And whereas, sundry inhabitants of these United States have travelled by land into this State, who, though well affected to the liberties of America, are prevented by religious scruples from taking the oath above mentioned, and for that cause are now in the custody of the sheriff of Ninety-Six district: *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful to and for his Excellency the President, and he is hereby authorized and required, to discharge all and every such persons from confinement, and to grant them free pass-ports to return to the States to which they respectively belong; any law to the contrary thereof in any wise notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1778.

AN ACT for incorporating divers Religious Societies therein named. No. 1102.

(Passed October 9, 1778. See last volume.)

AN ACT TO AMEND AN ACT ENTITLED "*An Act for completing the quota of Troops to be raised by this State for the Continental service;*" No. 1103.  
AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, an Act of the General Assembly of this State was passed on the twenty-eighth day of March last past, entitled "An Act for completing the quota of troops to be raised by the State for the Continental service," the salutary provisions of which Act, relative to the enlistment of vagrants, may be wrested to the purposes of oppression, and no appeal having been provided by the said Act, persons who may be injured thereby must remain without redress; in order, therefore, to remedy this inconvenience and to prevent any other ill consequences which may arise from misconstruction of the said Act,

Preamble.

I. *Be it enacted*, by his Excellency Rawlins Lowndes, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly, and by the authority of the same, That immediately from and after the passing of this Act, it shall and may be lawful for his Excellency the President, and he is hereby empowered and required, to appoint and commission five persons of the most respectable character in each parish or district of this State, to be commissioners of appeal in the case of vagrants within their respective parishes or districts, any three of whom shall be a quorum, to try and determine all appeals from the sentence of the magistrate and six freeholders in whom the original jurisdiction for the trial of vagrants is vested by the aforesaid Act.

Commissioners appointed to determine cases of appeal by vagrants.

II. *And be it also enacted* by the authority aforesaid, That any person being appointed as is above directed to be a commissioner for the district in which he resides, and refusing to accept such commission, shall, and he is hereby, declared liable to pay a fine of two hundred pounds current money of the State aforesaid, to be recovered by the attorney General for the use of the said State; and any person having received such commission as aforesaid and neglecting or refusing to act when thereunto legally required, shall, in like manner, be liable to pay a fine of fifty pounds current money of the State aforesaid, to be recovered by bill or plaint in any court of record within the said State, by any person or persons who may have been injured by such refusal or neglect; and the commissioners, or any three of them, so appointed or commissioned, are hereby empowered and directed to sit as a court of appeal, at some convenient place within their respective districts or parishes, on the first and third Thursday in every month, if they shall be thereunto required.

Fine on commissioners for refusing to accept or act.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any person who hath been, or hereafter may be, condemned as a vagrant pursuant to the directions of the said Act, to make application for a court of appeal to any one of the commissioners for the district wherein the original trial was had, which commissioner is hereby authorized and directed, on such application being made, to sum-

Vagrants may appeal.

A. D. 1778.

mon any two of the other commissioners for the district to associate with him on the trial of the appeal, on such day herein before appointed as shall be next ensuing the application.

Duty of commissioners.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners on such trial be, and they are hereby, authorized and empowered to summon witnesses and order papers material to the trial to be laid before them; and it shall be incumbent on the person appealing to lay before the commissioners a transcript of the proceedings had in the original trial, with which the magistrate before whom it was tried shall be obliged, and he is hereby enjoined and directed, to furnish him on requisition; and the determination of the majority of the commissioners present on such appeal, shall be final and conclusive.

Penalty in case appeal is not sustained.

V. And in order to prevent frivolous and litigious appeals, *Be it enacted* by the authority aforesaid, That such persons as shall appeal from the sentence of the justice and freeholders, and shall on such appeal be declared legally convicted, shall not be entitled to receive the bounty money to which they would otherwise have a right on their inlistment.

Commissioners compensation.

VI. *And be it enacted* by the authority aforesaid, That each of the said commissioners shall be allowed the sum of two dollars each day during their attendance on that duty, in lieu of all fees and charges against the public, which shall be paid to them by the treasurers of this State out of any money lying in the treasury; provided, they shall transmit an account of their charges against the public with a copy of their proceedings to the auditor general's office, once in every six months.

Where and by whom vagrants shall be tried.

VII. In order also to prevent abuses which may arise on the original trial, *Be it enacted* by the authority aforesaid, That all persons accused of coming within the description in the aforesaid Act, shall be tried by the nearest acting magistrate to the place of such person's usual residence, or in case he has no settled habitation, by the nearest magistrate to the place where he was taken; and that no person be brought to such trial but on information, on oath being made to some one magistrate within the district, or on the knowledge of the magistrate.

Soldiers exempted for one year from the operation of this Act.

VIII. *And be it further enacted* by the authority aforesaid, That all soldiers having legal discharges from any of the regiments raised within this State, shall be, and they are hereby declared, exempt from being tried as vagrants (except for fire hunting and harbouring deserters,) for the space of twelve months next ensuing the date of their respective discharges.

Acts of Assembly to be distributed.

IX. In order also to prevent those evils which may arise from the Acts of the Legislature not being generally known by the persons appointed to carry them into execution, *Be it enacted* by the authority aforesaid, That the representatives of the different parishes and districts within the State, shall be furnished with copies of all the public Acts of Assembly and Ordinances of this State which shall hereafter be enacted, equal to the number of magistrates acting within their respective parishes and districts, which they shall deliver to such magistrates on their application; and each member of the different branches of the legislature, shall, in future, be furnished with one copy of every such Act or Ordinance for his own use, and no more.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

A.D. 1778.

AN ACT to oblige all male inhabitants from sixteen to sixty years of age, residing on or near Waccamaw River, to work on and lay open the navigation of the said River; and for appointing Commissioners for carrying this Act into execution. No. 1104.

(Passed October 9, 1778. See last volume.)

AN ACT for establishing a road from Slann's, Dorchester, or Bacon's bridge, to Wort's Ferry, and from thence to divers other places until it shall intersect the road leading from the ferry near Fort Moore to Charlestown. No. 1105.

(Passed October 9, 1778. See last volume.)

AN ACT TO REVIVE AND CONTINUE "*An Act for establishing a Board of Commissioners to superintend and direct the Naval Affairs of this State;*" AND FOR AUTHORIZING THE COMMISSIONERS MENTIONED IN THE SAID ACT TO PURCHASE NEGROES FOR THE USE OF THE PUBLIC SHIP-YARD AND ROPE WORK; AND TO PAY THE WAGES DUE TO THE OFFICERS AND SEAMEN DURING THE TIME THEY ARE PRISONERS WITH THE ENEMY. No. 1106.

WHEREAS, the Act entitled "An Act for establishing a board of commissioners to superintend and direct the naval affairs of the State of South Carolina," is near expiring, and it being necessary that the same should be revived and continued; Preamble.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That an Act entitled "*An Act for establishing a board of commissioners to superintend and direct the naval affairs of the State of South Carolina,*" passed the eighth day of October, one thousand seven hundred and seventy-six, be, and the same is hereby, revived and continued for one year from the passing of this Act, and from thence to the end of the then next sitting of the General Assembly, and no longer. Former Act revived.

II. *And be it also enacted* by the authority aforesaid, That the commissioners mentioned in the said Act, or their successors, or a majority of them, shall have full power, and they are hereby authorized and empowered, to purchase any negroes or other slaves for the use of the publick ship-yard or rope work; and the said negroes when purchased for the use of the ship-yard or rope work, shall be vested in the public forever. Commissioners empowered to purchase negroes for the ship yard, &c.

III. And whereas, there is no provision made by any law of this State for paying wages to any officer, mariner or seaman belonging to the navy of the same, during the time they are prisoners with the enemy and returning home after their escape, or otherwise being released; and it being reasonable and just that the said officers, seamen and mariners should be paid their wages during the said time; *Be it therefore enacted* by the au-

A.D. 1778.

Compensation  
allowed officers,  
seamen  
and mariners  
when prisoners  
with the ene-  
my, &c.

thority aforesaid, That the commissioners of the navy, or their successors, or a majority of them, shall be, and they are hereby, directed and empowered to pay every officer, mariner and seaman who was, or hereafter may be, in the service of this State, when taken by the enemy, the wages which may be due to them, and each and every of them, from the time they were or may be respectively captured to the time they severally escaped, or or may escape, or otherwise get released from the enemy, and from thence to the time they return to this State, allowing them, a reasonable time to travel to Charlestown from the the place where they make their escape or otherwise get away from the enemy; provided, that the said officers, mariners and seamen do not enter into any other service after they make their escape or otherwise get away from the enemy before they return to Charlestown to receive their wages.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 9th day of October, 1778.*

*Assented to: RAWLINS LOWNDES.*

**No. 1107. AN ORDINANCE FOR APPOINTING AN ORDNANCE STORE-KEEPER AND POWDER RECEIVER FOR THE PORT OF CHARLESTOWN.**

Preamble.

WHEREAS, it is necessary that a proper person should be appointed ordnance store-keeper, to take care of the ordnance stores which are now in the arsenal in Charlestown, and also all such as may hereafter be imported into this State for the use of the public and put under care of such ordnance store-keeper; and whereas, it is necessary that a proper person should also be appointed powder receiver for the port of Charlestown, to take care of the gun powder now in, or which may hereafter be put into, the several magazines in the said town, and also the magazines on Charlestown Neck and Hobcaw Point.

Ordnance store  
keeper and  
powder receiver  
to be chosen  
by ballot by  
Council and  
Assembly,  
jointly.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That as soon as conveniently may be after the passing this ordinance, there shall be chosen by ballot, jointly by the Legislative Council and General Assembly, in the Assembly room, a proper person to be ordnance store-keeper, and also a proper person to be powder receiver for the port of Charlestown; and the said ordnance store-keeper and powder receiver, when so chosen, shall be respectively commissioned by his Excellency the President or Commander-in-chief of this State, for two years.

Their duties.

II. *And be it also ordained* by the authority aforesaid, That the said ordnance store-keeper shall, during the time he continues in the said office, give constant attendance on the duties thereof, and follow such directions as may from time to time be given him by the Governor or Commander-in-chief of this State relative thereto.

III. *And be it also ordained* by the authority aforesaid, That the said powder receiver shall also, during the time he continues in that office, give constant attendance on the duties thereof, and shall at least one day in every week throughout the year, when the weather is fair, open each and

every of the powder magazines that may be under his care, that the same may be aired; and once in every fortnight he shall cause every barrel or keg of gun powder in the said magazines to be turned; and shall also follow all such orders and directions as may be from time to time given him by the Governor or Commander-in-chief of this State, for those purposes.

A. D. 1778.

IV. *And be it also ordained* by the authority aforesaid, That there shall be allowed and paid by the public of this State to the ordnance store-keeper a salary of one thousand pounds currency per annum, for his services in the said office; and also that there shall be allowed and paid by the public of the said State to the powder receiver, hereby directed to be nominated and appointed, a salary of one thousand dollars per annum, for his services, in lieu of fees, and for the services of two able negro men to assist in the duties of the said office. Their salaries.

V. *And be it also ordained* by the authority aforesaid, That the said ordnance store-keeper and powder receiver, and every other ordnance store-keeper and powder receiver for Charlestown, hereafter to be appointed, shall, before he takes upon him the execution of either of the said offices, enter into bond in the penal sum of ten thousand pounds currency, to the Governor or Commander-in-chief of this State, for the due execution of the said office, and give good security, who shall be approved of by the President or Commander-in-chief of this State; and that there shall be duplicates of the said respective bonds, one to be lodged in the secretary's office and the other with the speaker or clerk of the General Assembly or House of Representatives. Ordnance store keeper and powder receiver to give bond and security.

VI. *And be it also ordained* by the authority aforesaid, That an Act of the General Assembly of this State entitled "An Act for raising a Powder duty public store of gun powder for the defence of the Province of South Carolina," passed the eighth day of March, one thousand seven hundred and forty-one-two, and all and every other Act and Ordinance, and clauses of Acts or Ordinances of the General Assembly, laying any duty of gun powder, or money in lieu thereof, to be paid by the owners of ships or other vessels arriving in this State, be, and the same is hereby declared to be, repealed and made null and void to all intents and purposes whatever; any law, usage or custom to the contrary notwithstanding. Powder duty repealed.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 17th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

**AN ORDINANCE** TO OBLIGE EVERY PERSON WHO SHALL BE HEREAFTER ELECTED TO SERVE AS A MEMBER IN THE SENATE OR HOUSE OF REPRESENTATIVES TO TAKE AND SUBSCRIBE THE OATH HEREIN PRESCRIBED, PREVIOUS TO THE TAKING OF HIS SEAT THEREIN. No. 1108.

WHEREAS, by the Act entitled "An Act for establishing the Constitution of the State of South Carolina," passed the nineteenth day of March last, it is enacted that no person shall be eligible to a seat either in the Senate or House of Representatives, unless he hath such qualifications Preamble.

A. D. 1778.

as in the twelfth and fourteenth clauses of the said Act are particularly mentioned; but no oath of qualification is thereby enjoined and required to be taken by the person so elected;

Oath to be taken by members of the Senate and House of Representatives.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That every person who shall hereafter be elected and returned to serve either as a member of the Senate or House of Representatives, previous to his taking his seat, shall take and subscribe the following oath or affirmation, viz: "I, A. B., do sincerely swear (or affirm, as the case may be,) that I am duly qualified to be chosen and serve as a member of the Senate or House of Representatives (as the case may be,) of this State, for the parish or district of —, according to the true intent and meaning of the Act entitled 'An Act for establishing the Constitution of the State of South Carolina,' passed the nineteenth day of March, one thousand seven hundred and seventy-eight; So help me God:" And any justice of the peace returned to serve either as a member of the Senate or House of Representatives, shall, in the Senate House or House of Representatives, for either of which he is elected a member, administer the oath above mentioned to the rest of the persons returned to serve as members thereof, and then to take the same himself before some one of those who have been so qualified.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 17th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

No. 1109. *AN ORDINANCE* TO EMPOWER THE PRESIDENT OR COMMANDER-IN-CHIEF FOR THE TIME BEING, WITH THE ADVICE OF THE PRIVY COUNCIL, TO TAKE UP AND CONFINED ALL PERSONS WHOSE GOING AT LARGE MAY ENDANGER THE SAFETY OF THIS STATE.

Preamble. WHEREAS, it is necessary in this time of public danger, when this State is threatened with an invasion by the enemy, that the hands of the executive should be strengthened;

President may imprison suspicious persons.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Ordinance, it shall and may be lawful to and for the President or Commander-in-chief for the time being, by and with the advice and consent of the Privy Council, by warrant under his hand and seal, to arrest, secure and commit to safe custody all such persons as now are in, or hereafter shall come into this State, and whose going at large may, in the opinion of the said President or Commander-in-chief and Privy Council, endanger the safety of this State.

When they shall be tried, &c.

II. *And be it further ordained* by the authority aforesaid, That neither the court of General sessions of the peace, any judge or justices of the peace shall bail or try any person so as aforesaid to be committed, until ten days next after the meeting and sitting of the next General Assembly;

provided, that nothing in this Ordinance contained shall extend to invalidate the ancient privileges of Assembly, or to the imprisonment of any member of the Legislative Council or General Assembly, or Senate or House of Representatives, during the sitting of the said Houses, until the matter be first communicated to the House, and the consent of the said House obtained; and that this Ordinance shall continue in force until ten days next after the meeting and sitting of the next General Assembly, and no longer.

A. D. 1778.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 17th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

**AN ORDINANCE** AUTHORIZING THE COURTS OF CAMDEN AND NINETY- No. 1110.  
SIX DISTRICTS, AT THE ENSUING CIRCUIT, TO CONTINUE SITTING UNTIL  
ALL THE BUSINESS IS FINISHED.

WHEREAS, the next general election, as appointed by the Constitution, will interfere with the sitting of the next ensuing circuit courts at Camden and at Ninety-Six, by which means many of the jurors and witnesses attending the said courts may be deprived of voting for senators and representatives at the said election; for remedy whereof,

I. *Be it ordained* by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That it shall and may be lawful for the judges, and they are hereby authorized and required, at the next ensuing courts to be held at Camden and Ninety-Six, to adjourn the said courts on Saturday the twenty-eighth day of November next, to Thursday the third day of December following, then to sit and adjourn *de die in diem* till all the business both criminal and civil then ready shall be determined; any law or usage to the contrary thereof in any wise notwithstanding; provided nevertheless, that all the business of the said courts not then ready for trial, shall be continued over to the next sitting of the said courts.

Judges empowered to adjourn the courts.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 17th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1778.

No. 1111. *AN ORDINANCE* TO OBLIGE ALL PERSONS NOMINATED AS MAGISTRATES, BEFORE THEY TAKE UPON THEM THE EXECUTION OF THE SAID OFFICE, TO QUALIFY BEFORE HIS EXCELLENCY THE PRESIDENT OR GOVERNOR AND COMMANDER-IN-CHIEF, AS THE CASE MAY BE, OR BEFORE COMMISSIONERS DULY AUTHORIZED BY HIM FOR THAT PURPOSE.

WHEREAS, the method hitherto used for qualifying magistrates agreeable to law has been found incompetent for that purpose;

Time and before whom magistrates are required to qualify.

I. *Be it therefore ordained*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That all persons who have heretofore been appointed magistrates in this State, shall, within six months after the passing of this Ordinance, and all those who shall hereafter be nominated as magistrates, shall, before they enter upon the execution of their office, be duly qualified before his Excellency the President or Governor and Commander-in-chief of this State, as the case may be, or before commissioners to be duly authorized and appointed by him for that purpose, by taking the oath appointed by the thirty-sixth article in the constitution, and shall also take and subscribe the following oath of office: "I, A. B., do solemnly swear that I will well and truly demean myself in the office of a justice of peace, and will conduct myself with impartiality according to the best of my skill and knowledge, and the laws, usages and customs of the State of South Carolina; I will not be of counsel to any person in any cause depending before me, and will, according to the directions of the several Acts of the General Assembly of this State, truly account for and pay, or cause to be paid, into the public treasury, all the fines and forfeitures which shall be recovered before me and come into my hands; I will not spare any one for any gift or other cause, nor take any fee or reward for doing the duty of a justice of peace, but the fees and allowances accustomed and fixed by Act of Assembly; I will not direct or cause to be directed, any warrant by me made to the parties themselves, but to the constables of the county or district, or other indifferent persons, to execute the same; and in all things will well and truly do and execute the office of a justice of peace, without fear, favor or affection: So help me God."

Oath.

II. *And be it ordained* by the authority aforesaid, That the said magistrates shall, at the time of qualification, sign a roll, which shall be lodged in the secretary's office, that all persons may resort thereto for their information, and thereby discover who are acting magistrates.

Penalty on persons acting as magistrates that are not regularly appointed and qualified.

III. *And be it further ordained* by the authority aforesaid, That all and every person and persons, except as aforesaid, who shall hereafter take upon him or themselves to act as a magistrate in this State, without first complying with the directions of this ordinance, every such person and persons shall, for every such offence, be fined in the sum of one thousand pounds currency, to be recovered by bill or plaint in any court of record in this State; one half of which fine shall be to the use of him or them who shall inform and sue for the same, and the other half shall be paid into the public treasury for the use of this State.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

*In the Council Chamber, the 17th day of October, 1778.*

*Assented to:* RAWLINS LOWNDES.

A. D. 1779.

**AN ORDINANCE FOR COMPLETING THE SIX CONTINENTAL REGIMENTS  
RAISED IN THIS STATE.** No. 1112.

WHEREAS, it is expedient that the several regiments lately raised in this State, and now on the continental establishment, be, as speedily as possible, completed; and, as the most effectual means of doing the same, it is thought proper and necessary to increase the bounty to be given to all such who shall enlist in either of the said regiments;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That every person who shall enlist in either of the said regiments for the term of sixteen months from the time of such enlistment, shall be entitled to receive the following bounties, that is to say, those who enlist within one month after the passing of this Ordinance, five hundred dollars; within two months, four hundred dollars; within three months, three hundred and fifty dollars; and such as enlist after that time, one hundred dollars, with the usual allowances of pay, clothing and rations.

Bounties to persons enlisting.

*Ratified by the General Assembly, in the Senate House, the 29th day of January, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS BEE, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR PRINTING, STAMPING AND ISSUING ONE MILLION** No. 1113.

**OF DOLLARS, FOR THE PUBLIC SERVICE, IMMEDIATELY; AND FOR EMPOWERING THE COMMISSIONERS OF THE TREASURY TO BORROW ON LOAN ANY SUM NOT EXCEEDING FOUR MILLIONS OF DOLLARS; AND IN CASE THE SAID SUM CANNOT BE BORROWED IN DUE TIME TO SUPPLY THE EXIGENCIES OF THE STATE, TO ENABLE THE GOVERNOR OR COMMANDER-IN-CHIEF, WITH THE ADVICE OF THE PRIVY COUNCIL, TO PRINT OR STAMP AND ISSUE ANY SUM NOT EXCEEDING FOUR MILLIONS OF DOLLARS.**

WHEREAS, it is necessary for the public service of this State, that one million of dollars should be immediately issued; and that the Governor or Commander-in-chief should be empowered, with the advice of the Privy Council, to print or stamp and issue a further sum, not exceeding four millions of dollars, if the same cannot be borrowed on loan in due time to supply the exigencies of the State;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Robert Williams, John Hopton, Theodore Gaillard, Jr., John Smyth, John Scott, (son of Jonathan,) George Cook, Charles Atkins, Plowden Weston, Arthur Downes, James Bentham, John Blake, Sims White, Alexander Inglis, William Morgan, Joseph Atkinson, Edward Trescott and Philip Prioleau be, and they are hereby appointed, commissioners to put in execution the several powers and authorities hereinafter mentioned.

Commissioners appointed.

A. D. 1779.

Bills to the amount of one million of dollars to be issued.

II. *And be it further ordained* by the authority aforesaid, That from and immediately after the passing of this Ordinance, the said commissioners shall have power, and they are hereby authorized, enjoined, and required, to print or stamp, and sign, one million of dollars, of the following denominations, viz: three thousand bills of the denomination of one hundred dollars each; four thousand bills of the denomination of eighty dollars each; five thousand bills of the denomination of sixty dollars each; and two thousand bills of the denomination of forty dollars each, at the rate of thirty-two shillings and six pence currency, each dollar; that all of the said dollars shall be numbered and signed by any three of the said commissioners.

Commissioners to superintend the printing of said bills.

III. *And be it further ordained* by the authority aforesaid, That two of the said commissioners shall always attend the press when any impressions of the said dollars are making, and constantly keep all and every the plate or plates, form or forms, in safe custody at other times, to prevent any impressions being made in the absence of the said commissioners, and when the whole number of dollars are struck off, the plates or forms shall be lodged in the public treasury.

Bills to be delivered to the commissioners of the treasury.

IV. *And be it further ordained* by the authority aforesaid, That the dollars to be stamped or printed and issued in virtue of this Ordinance, after they are signed and numbered, shall be delivered to the commissioners of the treasury, and a receipt taken from them for the same in a book to be kept for that purpose.

Commissioners to contract for a loan, not exceeding four millions of dollars.

V. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury shall have full power and authority, and they are hereby duly authorized and empowered, to take upon loan, for the use of this State, any sum not exceeding four millions of dollars, at the rate of thirty-two shillings and six pence currency each, or the value thereof, in any money current in this State, from any person or persons, company or body corporate, willing to lend the same on interest, at the rate of seven pounds per centum for every year, so long as the same shall remain at interest therein; for the re-payment of which, with the above mentioned interest, the public treasury shall be liable, and the faith of the State is hereby pledged; and for each sum of money lent to the public upon this Ordinance, the said commissioners shall give to the lender a certificate, in manner and form as is directed by an Act of the General Assembly of this State, passed the twenty-third day of December, one thousand seven hundred and seventy-six.

In case the said sum cannot be borrowed, bills may be issued to that amount

VI. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice of the Privy Council, to cause to be printed or stamped, signed and issued, the whole or any part of a sum not exceeding four millions of dollars, if the same cannot be borrowed on loan by the commissioners of the treasury, in time to supply the exigencies of this State; and the commissioners herein before appointed to print or stamp and sign the one million of dollars, shall be obliged to print or stamp and sign the four millions of dollars, or such part thereof as may be thought necessary to be issued.

Said bills to be a legal tender.

VII. *And be it further ordained* by the authority aforesaid, That all and every the dollars which shall be stamped or printed, and issued by virtue of this Ordinance, shall be current in all payments for the sum therein mentioned, and be deemed and taken a good tender in law.

VIII. *And be it further ordained* by the authority aforesaid, That if any person or persons whomsoever shall forge, counterfeit or utter bill or bills in imitation, likeness or similitude, of any of those which shall be stamped

or printed, signed and issued by virtue of this Ordinance, knowing the same to be forged and counterfeited; or shall counsel, advise or any ways assist in the counterfeiting, impressing, stamping or signing and issuing of any such bill or bills, by engraving any plate, or making any other instrument, knowing the same to be intended to be used in making such false or counterfeit bill or bills, all and every such person and persons so offending, and being thereof lawfully convicted, shall be adjudged guilty of felony, and suffer death without the benefit of clergy.

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Penalty on counterfeiting the said bills.

IX. *And be it further ordained* by the authority aforesaid, That if any of the person or persons nominated as commissioners to stamp or print and sign the bills herein before mentioned, shall neglect or refuse to do his or their duty therein, every such person or persons shall forfeit the sum of two thousand dollars for the use of this State, to be sued for and recovered in any court of record, by action of debt, bill or plaint, wherein no essoign, protection or wager of law, or more than one imparlance shall be allowed.

Commissioners neglecting or refusing to act.

X. *And be it further ordained* by the authority aforesaid, That the Governor or Commander-in-chief for the time being, shall and may appoint other persons in the stead or place of any of those herein before nominated, who shall die, depart the State, or neglect or refuse to act, which persons so to be appointed shall be liable to the same penalties for refusal or neglect, as are herein before mentioned.

Governor may fill vacancies.

XI. *And be it further ordained* by the authority aforesaid, That the said commissioners, during the time they shall be actually employed in stamping, signing and numbering the aforesaid bills, shall be exempted from duty in the militia.

Commissioners to be exempt from militia duty.

*Ratified by the General Assembly, in the Senate House, the eighth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS BEE, *Speaker of the House of Representatives.*

AN ORDINANCE for laying on a General Embargo for the time therein limited. No. 1114.

(Passed February 12, 1779. *Too much torn to be copied.*)

AN ORDINANCE TO EMPOWER THE GOVERNOR OR COMMANDER-IN-CHIEF OF THIS STATE, FOR THE TIME BEING, TO ISSUE COMMISSIONS FOR HOLDING SPECIAL COURTS OF OYER AND TERMINER, FOR THE SPEEDY TRIAL OF SUCH PERSONS AS SHALL BE CHARGED WITH SEDITION, INSURRECTION, OR REBELLION, AGAINST THIS STATE, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1115.

WHEREAS, by the laws of this State the courts of general sessions of the peace, oyer and terminer, assize and general goal delivery, in the several districts, are directed to be held at such distant periods, that persons charged with seditions, insurrections, rebellions, or other offences against the laws of this State, frequently escape punishment through the

Preamble.

A. D. 1779. assistance of their confederates: In order, therefore, to remedy so great an inconvenience, and to the end that offenders may be brought to a more speedy trial and punishment,

Issuing of special commission for the trial of sedition, rebellion, &c.

I. *Be it ordained* by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, that it shall and may be lawful for the Governor or Commander-in-chief for the time being, with the advice and consent of the Privy Council, from time to time, to issue special commissions of oyer and terminer under the great seal, for the speedy trial of all and every person and persons who now are, or hereafter may be committed to the gaol of any of the districts of this State, on a charge of sedition, insurrection, or rebellion, against the said State, to be directed to the chief justice, or any assistant judge or justices, or other fit persons to be nominated and appointed by him commissioners for that purpose; which said chief justice, or assistant judge or justices, or commissioners, or any one or more of them, shall have full power and authority to inquire, hear, and determine all and every such sedition, insurrection, or rebellion, at such places within the district where the offence shall be committed, and at such times as shall be limited by their said commission; and that such court held by virtue thereof shall, and lawfully may, have, hold, use, and exercise all and singular the powers, jurisdictions, and authorities in this behalf, in as full and ample manner to all intents and purposes, as the ordinary courts of general sessions of the peace, oyer and terminer, assize, and general gaol delivery have heretofore held, used, and exercised.

Impanneling jurors.

II. *And be it further ordained* by the authority aforesaid, That the chief justice, assistant judge, or justices or commissioners, or some one or more of them, when nominated and appointed, shall thenceforth repair to the district of this State, wherein such sedition, insurrection, or rebellion, shall be done or committed, and shall, in the presence of the sheriff of such district, cause to be drawn out of any of the divisions in the jury box or chest, the names of thirty persons to serve as grand jurors, and also the names of forty-eight other persons to serve as petit jurors, for the indicting and trying any of the offences herein before mentioned; and that the same order, method, and process, shall be observed in drawing, balloting, impanneling, and summoning the said grand and petit jurors, as are directed and prescribed for drawing, balloting, impanneling and summoning special juries by the laws of this State.

Summoning jurors.

III. *And be it further ordained* by the authority aforesaid, That the writ of venire facias for summoning the said jurors, shall be made returnable within not less than six or more than twenty days in the county districts, and within not less than two or more than ten days in Charlestown, next after the teste of the said writs respectively, and that at the delivery of the said writs to the sheriffs respectively, they and each of them shall forthwith give notice to the person or persons so to be tried, that their trial is to come on at the time mentioned for the return of the said writs, to the intent that they may have time for summoning any witnesses on their behalf; and that if any person or persons (not privileged by law from serving on juries) who shall be drawn, impaneled, summoned, and returned to serve as a juror at any such trial, according to the directions of this ordinance, shall wilfully neglect or refuse to appear, or after appearance shall refuse to act, or shall absent himself without leave of the court, it shall and may be lawful for the said court to set a fine upon such offender, not exceeding the sum of one hundred pounds currency; and if any person who shall be summoned or bound by recognizance to give evidence against any person or persons accused of sedition, insurrection, or

Liabilities of jurors.

rebellion, as aforesaid, or after appearance refuses to give evidence, such witness so offending shall be fined and imprisoned at the discretion of the court then sitting: Provided, nevertheless, that this ordinance shall not be construed or extend to debar or preclude any person from their lawful challenges or exceptions to the said jurors.

A. D. 1779.

IV. *And be it further ordained* by the authority aforesaid, That if at any of the courts appointed to be held by virtue of this ordinance, a sufficient number of grand or petit jurors shall not appear, then and in such case it shall and may be lawful to and for the chief justice, judge, or judges, commissioner, or commissioners, so to be appointed, to cause a tales to be drawn for each jury, until a sufficient number shall appear.

In case of the absence of jurors.

V. *And be it further ordained* by the authority aforesaid, That if at any of the courts of general sessions, to be hereafter held in any of the districts in this State, a sufficient number of grand or petit jurors shall not appear, that then and in such case it shall and may be lawful for the chief justice, judge, or justices holding the said court, to draw a tales for each jury as aforesaid; which said tales jurors respectively so drawn and summoned as aforesaid, shall be subject to the like penalties as is herein before inflicted on other jurors for neglect or refusal to attend.

How jurors are to be drawn.

VI. *And be it further ordained* by the authority aforesaid, That this present ordinance shall be of force and continue for one year from the passing thereof, and from thence to the end of the next meeting and sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House the thirteenth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

# AN ACT FOR THE ALTERATION AND AMENDMENT OF AN ACT ENTITLED No. 1116.

*"An Act for the regulation of the Militia of this State; and for repealing such laws as have hitherto been enacted for the government of the Militia."*

WHEREAS, the law now in force for the regulation of the militia of this State, is found inadequate to the beneficial purposes intended thereby, for the defence of this State in times of alarm, and it is therefore expedient to alter and amend the same:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same. That it shall and may be lawful for the Governor and Commander-in-chief of this State for the time being, with the consent of the Privy Council, when a sister State shall be invaded by any enemy, or any insurrection or rebellion shall happen therein, or on application from such State for assistance, to order a draught to be made of the militia of this State, not exceeding one third part thereof, and march them, with the utmost expedition, to the assistance of the State so invaded or where such insurrection or rebellion shall happen or such assistance shall be applied for, where they shall remain so long as the service may require or the Governor or Commander-in-chief as aforesaid shall think expedient.

Militia, when and how they may be draughted.

A. D. 1779.

ent, not exceeding three months at any one time, unless a relief is ordered and on their march, in which case they shall remain till such relief arrives; and the Governor or Commander-in-chief of the State for the time being, with the advice and consent of the Privy Council, is hereby directed to order, from time to time, other draughts of the militia, to march in due time to relieve the former, that the public service may not suffer;

Regulations.

II. *And it is hereby enacted* and declared, That the militia of this State, when in such sister State, shall be governed by the militia laws of this State only; and every person draughted as aforesaid, who shall refuse or neglect to march, when ordered by his officers, or who shall begin or join in any mutiny, or commit any assault on any officer on duty, or who shall desert from his post, shall, on conviction, be obliged to serve as a soldier in one of the continental regiments of this State, for any space of time not less than four or more than twelve months, according to the nature or aggravation of the crime, at the discretion of the militia court where such offender shall be tried, unless he shall procure an able bodied man to serve in his place or stead in one of the said regiments for the like period.

Offenders, how to be tried.

III. *And be it further enacted* by the authority aforesaid, That the trial of all and every person and persons liable to do duty under the militia laws, for disobedience of orders or neglect of duty, in time of alarm, and whilst such persons so offending shall be under orders to march, on a march, in the field, in garrison, or on any out-post, shall be immediate and summary, without a previous notice of ten days, and that all such summary trials shall be had and held by three commissioned officers and four privates of the company or regiment to which the offender belongs, free white men; but if they cannot be conveniently procured, then and in such case, by two commissioned officers and three privates of the company or regiment to which the offender belongs, where such offender shall be on duty; and the said privates shall be chosen in the following manner, that is to say, the names of each private of the company or regiment, as the case may require, then present on duty or nearest at hand, shall be wrote on a piece of paper and put in a hat, and publicly and fairly drawn out by any commissioned officer of the said company or detachment, and the first names drawn out shall be the persons to sit with the officers on the trial aforesaid; and that each of the said officers and privates before they sit on any such trial, shall severally take before each other an oath, "that he will impartially, without fear, favor or prejudice, hear and determine the offender's case, according to the best of his skill and ability, and the militia laws now in force, and evidence produced on the trial;" and that the verdict or sentence of a majority of the said court, shall be final and conclusive to acquit or convict the party tried; and every person so draughted and ordered to sit on the trial of such offenders, who shall refuse to act, shall be deemed guilty of disobedience of orders, and be tried and punished accordingly.

Defaulters.

IV. *And be it further enacted* by the authority aforesaid, That every person or persons who in time of any alarm, invasion, insurrection or rebellion in this State, shall refuse or neglect to turn out properly armed and accoutred according to law, (provided, such person hath had it in his power without distressing himself or his family, to procure such arms and accoutrements) or shall neglect or disobey the lawful commands of his superior officer, he shall for such offence forfeit and pay a sum not exceeding five hundred pounds and treble his last tax, to be sued for and recovered in the same summary way and manner as is herein before directed; and on non-payment of such fine he shall be obliged to serve as

a common soldier in one of the continental regiments raised in this State for not less than four or more than twelve months. A. D. 1779.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Governor and Commander-in-chief for the time being, with the advice and consent of the Privy Council, or without their advice and consent if they cannot be timely convened, to order on duty, at any time and to any place within the State, such part of the militia as he may think necessary for the protection and security of the State, without causing a general alarm to be fired; and every person or persons refusing or neglecting to obey the orders which he or they shall from time to time receive, shall be subject and liable to the same fines and penalties, and be tried in the same way and manner, as is herein before directed to be done when a general alarm is actually fired; any law or usage to the contrary in any wise notwithstanding. Governor may call out the militia.

VI. *And be it further enacted* by the authority aforesaid, That the privates of the militia of this State whilst on actual service, shall be allowed a daily pay of one dollar during such service on foot, and forty shillings per day on horse back, together with the usual allowance of rations and forage: Provided nevertheless, that such allowance for horse-men shall be paid to such number only as the Governor or Commander-in-chief shall, at any time, think necessary to order out, and whilst they are actually on duty. Their pay.

VII. *And be it further enacted* by the authority aforesaid, That if any person liable to do duty in the militia of this State, shall procure an able bodied man who shall enlist and engage himself to serve in any of the continental regiments of this State for the space of sixteen months, and shall produce such man to the commanding officer of such regiment, so that he be by him approved of, such person so procuring such substitute, shall, on producing to the captain of his company a certificate from such commanding officer of a continental regiment, be thenceforth discharged and exempted from all militia duty whatsoever for the said space of sixteen months, except patrol or guard duty, in the parish or district where he resides. Substitutes allowed.

VIII. *And be it further enacted* by the authority aforesaid, That in time of alarm when any regiment or company of militia shall be ordered to be draughted, if any person or persons liable by law to stand his or their draught, shall, previous to the draught's being made, offer himself or themselves as volunteer or volunteers on such occasion, every such person and persons shall be subject to the same duty and liable to the same penalties for desertion, mutiny or disobedience of orders, as if he or they had been actually draughted. Volunteers.

IX. *And be it further enacted* by the authority aforesaid, That the pay of the subaltern officers in the militia shall be the same as the present pay of the subaltern officers in the continental regiments raised in this State; and that the pay of the serjeants shall be thirty-seven shillings and sixpence, and the corporals, drummers and fifers, thirty-five shillings, per day; and that each regiment shall be allowed a surgeon and two mates, who shall be entitled to the same pay respectively as the surgeon and surgeons mates receive or are entitled to in the continental regiments of this State. Pay of subaltern officers, &c.

X. *And be it further enacted* by the authority aforesaid, That this Act and the Act entitled "An Act for the regulation of the militia of this State, and for repealing such laws as have hitherto been enacted for the government of the militia," except such parts thereof as are hereby altered or amended, shall continue in force for the term of eighteen Limitation.

A. D. 1779. months from the passing of this Act, and from thence to the end of the next sitting of the General Assembly of this State, and no longer.

*Ratified by the General Assembly, in the Senate House, the 13th day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

**No. 1117. AN ACT TO GIVE FURTHER TIME FOR TAKING THE OATH OR AFFIRMATION OF FIDELITY AND ALLEGIANCE TO THIS STATE.**

Preamble.

WHEREAS, sundry persons now resident in this State have not yet given assurance of their fidelity and allegiance to the same, by taking the oath prescribed by law; and by an act passed the ninth day of October, one thousand seven hundred and seventy-eight, such persons were permitted to apply to the courts of common pleas in Charlestown, at February term, and to the several district courts in April next; but it hath so happened that a sufficient number of jurors not attending, no court hath been held in Charlestown, at February term, and, from the present situation of affairs, it may happen that the circuit courts in some of the districts may not be held in April next, whereby many persons may be deprived of the benefits intended by the aforesaid act; for remedy whereof,

Oath of allegiance.

By whom administered.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for the several field officers, captains, or subaltern officers of the different regiments and companies within this State, or either of them, or any judge or justice of the peace, to administer the oath or affirmation required by a late act of this State, passed the twenty-eighth day of March, one thousand seven hundred and seventy-eight, entitled "An Act to oblige every free male inhabitant of this State above a certain age, to give assurance of fidelity and allegiance to the same, and for other purposes therein mentioned," to any person or persons at present belonging to any regiment, company, or district, who may make application to take and subscribe the said oath or affirmation, on or before the first day of June next ensuing the passing of this act.

Form of certificate.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons authorized by this act to administer the said oath or affirmation, shall, upon the administration thereof, give to the person or persons taking and subscribing the same, a certificate in the words following: "I —, do hereby certify that — hath taken and subscribed the oath or affirmation (as the case may be) of allegiance and fidelity, as directed by an act of the General Assembly of South Carolina, entitled an act to give further time for taking the oath or affirmation of fidelity and allegiance to this State."

Free citizen on subscribing to the oath.

III. *And be it further enacted* by the authority aforesaid, That every person taking and subscribing the oath as before mentioned, shall be, and is hereby declared, a free citizen of this State, and entitled to the protection of the laws thereof.

List of names to be sent to Governor.

IV. *And be it further enacted* by the authority aforesaid, That each and every person hereby authorized to administer the oath as before directed, shall, under the penalty of two thousand pounds, return to the Governor or Commander-in-chief for the time being, on or before the first day of

September next, the original list of the names of the persons who shall have taken and subscribed the oath before them respectively, as before directed. A.D. 1779.

*Ratified by the General Assembly, in the Senate House, the seventeenth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

**AN ORDINANCE** FOR AUTHORIZING THE GOVERNOR OR COMMANDER-IN-CHIEF FOR THE TIME BEING, TO EMBODY FOREIGNERS, RESIDENT IN THIS STATE, AND TO FORM THE SAME INTO SEPARATE INDEPENDENT COMPANIES, OR A BATTALION, FOR THE PUBLIC SERVICE., No. 1118.

WHEREAS, many persons of foreign nations in alliance or amity with the United States, who are now in this State, have signified a laudable zeal to become useful in defence of this State, and others who may hereafter arrive in the same, if embodied in time of alarm under proper officers, may be rendered serviceable : Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by authority of the same, That if at any time hereafter during the continuance of this ordinance there shall be such a number of foreigners as aforesaid in Charlestown, or any other part of the State, as shall be sufficient to form one or more independent companies, or one battalion of infantry, the Governor or Commander-in-chief, with the advice of the Privy Council, shall be, and is hereby empowered, if he shall deem it necessary, to distribute and form such foreigners into one or more independent companies, or a battalion, and to issue commissions for the appointment of proper officers for the same, allowing for each company one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, one drum, one fife, and not exceeding sixty privates ; and for such battalion, if the same shall be deemed necessary, as aforesaid, one lieutenant colonel commandant, one major, one adjutant, one surgeon, two surgeon's mates, and one quartermaster ; all which companies, or battalions, so constituted, shall be under the sole command of the Governor or Commander-in-chief for the time being, who may order rolls or returns of such foreign residents, by application to the French consul, or otherwise, to be made and returned, as often as he shall think necessary ; and the officers and men belonging to the said companies, or battalion, shall be entitled to the same pay, rations, and advantages, when on duty in time of alarm, and be under the same rules, regulations, fines, and penalties, as the militia of this State, subject, however, to be tried for all offences by their own officers only. Governor authorized to raise and commission a battalion of foreigners in independent companies.  
Pay and rations.

II. *And be it further ordained* by the authority aforesaid, That this ordinance shall continue and be in full force for six months from the passing thereof, and from thence to the end of the next meeting and sitting of the General Assembly, and no longer. To be in force six months after its passage.

*Ratified by the General Assembly, in the Senate House, the seventeenth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

A. D. 1779.

No. 1119. AN ORDINANCE for raising and supporting a regiment of light dra-  
goons for the public service.

(Passed February 19, 1779. Too much obliterated to be copied.)

No. 1120. AN ORDINANCE FOR THE BETTER DEFENCE AND SECURITY OF THIS STATE  
DURING THE RECESS OF THE GENERAL ASSEMBLY.

Preamble.

WHEREAS, in times of danger and invasion it has always been the policy of republics to concentrate the powers of society in the hands of the supreme magistracy for a limited time, to give vigor and despatch to the means of safety; and whereas, from the present situation of affairs within this State, since passing of a late act for the alteration and amendment of the militia law, it behooves us, for our common safety, to follow such example, and by such well timed confidence in the service of the community, acting under the authority of the people, and amenable to them, defeat the tyrannical views of an ambitious and cruel enemy, and thereby preserve our peace, liberty, and happiness, and prevent the injuries of slavery and oppression:

Authorizing  
the Governor  
to dispose of  
the militia.

Provide for fa-  
milies of  
draughted per-  
sons.

Restrain all  
vendues and  
commercial  
transactions,  
and proceed-  
ings of court of  
C. P.

Repair and gar-  
rison forts.

I. *Be it therefore ordained*, by the honorable the Senate and the House of Representatives of the State aforesaid, now met and sitting in General Assembly, and by authority of the same, That it shall and may be lawful for the Governor or Commander-in-chief of this State for the time being, with the advice and consent of the Privy Council, at any time after the passing of this ordinance, and during the continuance thereof, to embody, array, and so to dispose of any part of the militia and Charlestown battalion of artillery of this State; and to form any camp or camps, in such manner as may most effectually and expeditiously counteract the designs and operations of our enemies, and tend to the public safety; and that the Governor or Commander-in-chief, with advice of the Privy Council, shall make a proper provision for the family of any poor person who shall be draughted or ordered to take the field, during the absence of such person so to be draughted or ordered, in such manner as shall most readily relieve any such family from any distress or want by the absence of such person being draughted or ordered.

II. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, when it shall appear to them necessary, to restrain or put a stop to all vendues and commercial transactions, and to the proceedings of the court of common pleas, for such time as they may judge requisite, and to exert any means for effecting the same, (provided this shall not extend to any person or persons who are about to depart this State, or to such who shall refuse to give sufficient security for his, her, or their just debts.)

III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, to erect or repair and garrison forts and fortifications for defence of the frontiers and other parts of this State; and also to build, purchase, or hire, and equip and man, vessels for the

protection of the coasts; to embody any company or companies of seamen and mariners in the service of this State, to serve in forts, batteries, garrisons, or on board the public galleys or vessels, or in any other manner which may be necessary, and to allow such pay and bounty as they shall think proper; and to lay up in safe places, magazines of provisions and military stores; and to do all other matters and things which may be judged expedient and necessary to secure the liberty, safety, and happiness of this State: Provided, it does not extend to subject the militia to articles of war for the regulation of the continental or State troops; unless the militia law or laws now in force shall first be found insufficient by the Governor and Privy Council.

A. D. 1779.

Embodying  
seamen and  
laying up provisions.

IV. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, if it shall be judged requisite for the public service, by warrant under hand and seal, to cause any ships, vessels, shops, storehouses, cellars, or other suspected places, by forcing locks, bars, and other fastenings, to be searched, where it may be suspected any stores of necessaries are stored and concealed, which may be wanted for public service, and to seize and take them for the public use; which said articles so seized shall be paid for agreeable to the prices such and the like articles sold for on the ninth day of October last, allowing a reasonable storage for the same.

Warrant for taking goods for public service.

V. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief for the time being, with the advice and consent of the Privy Council, from time to time to draw on the Treasury of this State for any sum or sums of money which may be requisite to carry into execution any of the powers and authorities given by this ordinance, and that for all expenses to be incurred by the execution of any such powers, the public faith is hereby pledged, and this State made liable.

Expenses paid by the State.

VI. *And be it further ordained* by the authority aforesaid, That if at any time the Privy Council of this State cannot be assembled as expeditiously as any emergency may require, it shall be lawful for the Governor or Commander-in-chief for the time being, to carry, in such case, the powers and authorities given by this or any other act or ordinance, into execution, without advising with such Council; any law or ordinance to the contrary in any wise notwithstanding.

Power of the Governor.

VII. *And be it further ordained* by the authority aforesaid, That if any person or persons shall be sued or molested, in any manner, for any matter, cause, or thing, done, or caused to be done, in pursuance of this ordinance, it shall and may be lawful for any such person or persons to plead the general issue, and give this ordinance and the special matter in evidence; and if the plaintiff or plaintiffs in any such suit shall suffer a nonsuit, discontinuance, or a verdict shall pass against such plaintiff or plaintiffs, he, she, or they shall pay treble costs of suit.


Protection of the ordinance to persons.

VIII. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief to have and exercise, over the battalion of Charlestown artillery, all and every power and authority given him by any militia law or laws of this State, and the powers and authorities given in and by this ordinance, in like manner as over any of the militia of this State.

Power of the Governor.

IX. *And be it further ordained* by the authority aforesaid, That this ordinance, and every matter therein contained, shall be of force and con-

Limitation of ordinance.

A. D. 1779.  tinue until ten days after the next meeting and sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House, the nineteenth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

No. 1121. *AN ACT* TO REVIVE AND CONTINUE, FOR THE TIME THEREIN MENTIONED, THE SEVERAL ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS STATE THEREIN PARTICULARLY MENTIONED; AND TO APPROPRIATE CERTAIN PENALTIES; AND TO CONFIRM THE POWER OF COMMISSIONERS OF ROADS, PATHS, BRIDGES, CREEKS, CAUSEYS AND WATER PASSAGES.

Preamble. WHEREAS, several salutary and beneficial laws of this State are now expired or very near expiring, and it is found necessary and expedient for the public welfare to revive and continue the same;

Former Acts  
revived and  
continued.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That the several Acts and clauses of Acts of the General Assembly of this State, hereinafter particularly mentioned, are hereby declared to be revived, continued and enacted, to be of full force and virtue for and during the time hereinafter limited and expressly declared for the same; that is to say: An Act of the General Assembly entitled "An Act for licensing hawkers, pedlars and petty chapmen, and to prevent their trade with indented servants, overseers, negroes and other slaves," passed in the General Assembly on the eleventh day of March, one thousand seven hundred and thirty-seven; also an Act entitled "An Act for the establishing of a market in the parish of St. Philip, Charlestown, and to prevent engrossing, forestalling, regrating and unjust exaction in the said town and market," passed on the eleventh day of April, one thousand seven hundred and thirty-nine; also an Act entitled "An Act for making more useful Fort Johnson and Fort Frederick, and the several look-outs that now are or shall hereafter be kept or established near any of the inlets of this Colony," passed the fifth day of April, one thousand seven hundred and forty, with this alteration, that inasmuch as Fort Frederick has been dismantled, and another fort called Fort Lyttelton built near Beaufort, and now garrisoned in the service of the State, that the commanding officer of the said Fort Lyttelton, for the time being, shall have and exercise the same powers and authorities that were given in and by the said recited Act to the commanding officer of the said Fort Frederick; also "An Act for the better ordering and governing negroes and other slaves in this Colony," passed the tenth day of May, one thousand seven hundred and forty; provided nevertheless, that such parts and clauses of the said last mentioned Act be hereby excepted, and not continued or enforced, as are altered or repealed by an Act of the General Assembly passed the eleventh day of May, one thousand seven hundred and fifty-four, for preventing the stealing of negroes, or by an additional and explanatory Act to the same, passed the seventeenth day of May, one thousand seven hundred and fifty-one; also "An Act concerning masters and apprentices," passed the twenty-eighth day of February, one thousand

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seven hundred and forty; also "An Act for rendering and making the office of constable more easy and less expensive to the persons appointed," passed the eighth day of March, one thousand seven hundred and forty-one; also "An Act entitled an Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves, and for reviving and continuing an Act of the General Assembly of this Province entitled an Act for the better ordering and governing negroes and other slaves in this Province," passed the seventeenth day of May, one thousand seven hundred and forty-three; also "An Act for regulating the making of dams or banks for reserving water, where the same may affect the properties of other persons," passed the twenty-ninth day of May, one thousand seven hundred and forty-four; also "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing of the several commodities and merchandize in this State," passed the seventeenth day of June, one thousand seven hundred and forty-six; except such parts or clauses of the said Act as are repealed by an Act passed the twelfth day of April, one thousand seven hundred and sixty-eight, entitled "An Act for regulating and ascertaining the rate of wharfage of ships and merchandize, and also ascertaining the rates of storage in Charlestown;" also such clauses and parts of an Act for amending an Act entitled "An additional and explanatory Act to an Act to empower the several commissioners of the high roads and private paths, bridges, creeks, causeys and cleansing of water passages in this Province, to alter and lay out the same for the more direct and better convenience of the inhabitants thereof," passed the seventeenth day of May, one thousand seven hundred and fifty-one, as were revived for seven years by the revival Act, passed on the twelfth day of April, one thousand seven hundred and sixty-eight; also "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, one thousand seven hundred and fifty-one; also "An Act for allowing of discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this State regulating discounts," passed the seventh day of April, one thousand seven hundred and fifty-nine; also an Act passed the seventh day of April, one thousand seven hundred and fifty-nine, entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying in execution in this Colony such parts of an Act made in the Parliament of Great Britain, in the second year of his present Majesty's reign, entitled 'An Act for the relief of debtors with respect to the imprisonment of their persons, as is hereafter mentioned, and to repeal the several Acts of Assembly now in force in this Colony for relief of insolvent debtors;" also "An Act for establishing and regulating the artillery company which was formed out of the militia of Charlestown," which Act was passed the thirty-first day of July, one thousand seven hundred and sixty; also "An Act to prevent the stealing of horses and neat cattle, and for the more effectual discovery and punishment of such as shall unlawfully brand, mark, or kill the same," passed the twelfth day of April, one thousand seven hundred and sixty-eight; also "An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown;" also "An Act for the preservation of deer, and to prevent the mischief arising from hunting at unseasonable times," passed the twenty-third day of August, one thousand

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seven hundred and sixty-nine; also "An Act for a fish market, and for preserving the lamps in Charlestown," passed the seventh day of April, one thousand seven hundred and seventy; also such parts and clauses of an Act entitled "An Act for appointing commissioners to lay out a road or causey over Lynch's Island, situate in Santee river, and for establishing ferries therein," passed the eleventh day of March, one thousand seven hundred and thirty seven, as respects the establishment of the ferries therein mentioned; also an additional Act to an Act entitled "An Act for the better regulation of taverns and punch houses," passed the eighth day of March, one thousand seven hundred and forty-one; also "An Act for the better establishing and regulating of patrols in this Colony," passed the seventeenth day of June, one thousand seven hundred and forty-six; also "An Act for regulating the assize of bread," passed the sixteenth day of March, one thousand seven hundred and forty-nine; also such clauses and parts of an Act entitled "An Act to revive and continue several Acts and clauses of Acts of the General Assembly of this Province, and for amending some of the said Acts in manner herein mentioned," passed the seventh day of April, one thousand seven hundred and fifty-nine, as respect boats passing Fort Lyttelton, and the empowering the Governor and Council to limit the number of tavern licences; also an Act entitled "An Act to empower certain commissioners therein mentioned to keep clean and in good order and repair the streets of Charlestown, and for establishing other regulations in the said town," passed the tenth day of August, one thousand seven hundred and sixty-four; also an Ordinance entitled "An Ordinance for making disposition of monies for the support of Government, and to enable his Excellency the President (now Governor,) for the time being, to exercise certain powers in manner therein mentioned," passed the sixteenth day of January, one thousand seven hundred and seventy-seven; also "An Ordinance to prevent the exportation of raw hides and tanned leather," passed the sixteenth day of January, one thousand seven hundred and seventy-seven; also "An Act for regulating the inspection and exportation of tobacco and flour, and for granting a bounty on flour," passed the twentieth day of March, one thousand seven hundred and seventy-one, except such part as allows a bounty on flour, which part is hereby repealed; also an Ordinance entitled "An Ordinance to prevent the operation of the limitation Act, until the fifteenth day of February, one thousand seven hundred and seventy-nine, in manner therein mentioned," passed the fifth day of March, one thousand seven hundred and seventy-eight; and also an Act entitled "An Act for amending an Act for regulating and ascertaining the rates of wharfage of ships and merchandize and also for ascertaining the rates of storage in Charlestown, and for repealing the first clause of the said Act," passed the twenty-eighth day of March, one thousand seven hundred and seventy eight.

Limitation.

II. *And be it furtehr enacted* by the authority aforesaid, And all and singular, the several Acts and Ordinances, clauses and parts of Acts and Ordinances hereinbefore mentioned (excepting such as are particularly excepted,) in so far as they are not contrary to the constitution or form of government now established in this State, shall be, and are hereby declared to be, in full force, virtue and effect, immediately from the passing of this Act, and to continue in force for one year henceforth, and from thence to the end of the next sitting of the General Assembly of this State, in like manner as if such Acts, clauses and parts of Acts and Ordinances had originally been enacted and ordained to continue in operation until such time.

III. *And be it further enacted* by the authority aforesaid, That all fines and penalties inflicted or made payable by any of the Acts or Ordinances

hereinbefore mentioned to the use of the King of Great Britain, are hereby directed to be paid into the public treasury of this State for the use of the same; and that all authorities given and enjoined by any of the said Acts or Ordinances to any Governor or any other public officer, are hereby given and enjoined to such public officers appointed under the constitution of government established in this State.

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Fines, &c.  
to be paid into  
the State  
Treasury.

IV. *Be it further enacted* by the authority aforesaid, That all commissioners of high roads and private roads, of paths, bridges, creeks, causeys, or for cleansing water passages in this State, or for altering or laying out the same, who have hitherto been appointed by virtue of any Act or clause of any Acts of the General Assembly now of force in this State, or any such as are revived by this Act, or who shall hereafter in any manner be appointed, who shall refuse or neglect to act, or be guilty of any neglect of duty, every such commissioner so offending, shall, for every such offence, forfeit and pay the sum of one hundred dollars, to be sued for and recovered in any court of record in this State; wherein no essoign, wager, or protection of law, or more than one imparlance, shall be allowed; one half of which sum so recovered shall be to the use of the person giving information of such offence, and the other half shall be paid into the public treasury, for the use of the State; and that every person hereafter appointed by the commissioners of roads, private paths, bridges, causeys, cuts or water passages, to summons others to work and labour on the same according to law, or who shall be appointed overseers of the same, who shall severally refuse or neglect their duty in these respects, shall, for every offence, forfeit and pay the sum of fifty pounds currency, to be recovered and applied as directed by the general high road law or laws; and all persons hereafter refusing or neglecting to send their slaves (when summoned as usual for that purpose,) to labour on the high roads, private paths, bridges, causeys, cuts or water passages, shall forfeit and pay the sum of two dollars for each day such slave or slaves shall be kept from said labor, according to the said summons, to be recovered and applied as aforesaid; and further, that all white persons obliged by law to attend and labor on the said high roads, private paths, bridges, causeys, cuts or water passages, who shall hereafter neglect or refuse their duty in this respect, shall, for every day's absence, instead of the former fines payable for such neglect or refusal, forfeit and pay a fine of two dollars, to be recovered according to law and applied in manner as before mentioned; unless such persons appointed overseers as aforesaid, or such as are obliged by law to labor on the said roads, shall, on or before the next meeting of the board of commissioners for the said roads, make, to the said commissioners, a satisfactory excuse, to be approved of by them or a majority of them.

Duties of com-  
missioners  
defined, penal-  
ties for neglect,  
&c.

*Ratified by the General Assembly, in the Senate House, the nineteenth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

A. D. 1779.

**No. 1122. AN ORDINANCE FOR CONFIRMING CERTAIN POWERS OF A FRENCH CONSUL WITHIN THIS STATE, IN MANNER AS IS THEREIN PARTICULARLY DECLARED.**

**Preamble:** WHEREAS, it is necessary to confirm the powers of a Consul for the Court of France within this State, in manner as is hereinafter mentioned, for the better regulation of transient freemen and other subjects of the King of France, not residents and inhabitants of this State ;

**Consul shall settle differences between French seamen and their commanders.** I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the State aforesaid, now met and sitting in General Assembly, and by authority of the same, That from and immediately after the passing of this Ordinance, and during the continuance of the same, it shall and may be lawful for any person duly authorized to act as Consul within this State for the Court of France, to settle and finally determine, in a summary manner, according to the laws and ordinances of France, all disputes, differences and controversies which may happen or arise between any transient seaman or mariner, being a subject of the King of France, and any captain or commander of any ship or vessel belonging to any subject of the King of France, and to which vessel such seaman or mariner may belong, and be under any articles, according to any laws or ordinances of France, and such dispute being about any matter contained in such articles ; and also that such Consul shall have full power and authority to carry into execution any determination by him to be made as aforesaid, according to the laws and ordinances of France.

**Also between merchants and other subjects of France.** II. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for any Consul, duly authorized from the Court of France as aforesaid, to settle and finally determine all disputes and differences which may arise between any merchants, being transient persons and subjects of the King of France, and not inhabitants and residents of this State, relative to any contract made, or to be made, or any transactions had, or to be had and done, in any place within the Kingdom of France, or any port or place under the jurisdiction thereof or thereunto belonging, and to carry such determination into execution in manner as before mentioned.

**Power of Consul over transient seamen.** III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Consul aforesaid to establish regulations for the governance of all transient seamen, subjects of the King of France, who shall be on board of, or belong to, any vessel the property of any subject or subjects of France resident in any of the dominions of the King of France, in order to keep such seamen of peaceable and quiet demeanor and conduct, whilst in any port or place within this State, and also to appoint a provost or any other proper officers to carry such regulations effectually into execution.

**Who are transient persons.** IV. *And be it further ordained* by the authority aforesaid, That every person, except seamen or mariners as aforesaid, being a subject of France, arriving within this State and remaining within the same for the space of six months, shall, for that space of time, but not after, be deemed a transient person within this Ordinance.

**Limitation.** V. *And be it further ordained* by the authority aforesaid, That this Ordinance shall be of force and continue for one year from the pass-

ing thereof, and from thence to the end of the next sitting of the General Assembly, and no longer. A.D. 1779.

*Ratified by the General Assembly, in the Senate House, the twentieth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

**AN ORDINANCE** FOR APPOINTING A NEW JURY LIST FOR THE DISTRICT OF NINETY-SIX; AND TO EMPOWER AND DIRECT THE JUDGES, OUT OF THE SAME, TO DRAW A GRAND AND PETIT JURY TO SERVE AT THE NEXT COURT OF GENERAL SESSIONS TO BE HOLDEN FOR THE SAID DISTRICT NEXT AFTER THE PASSING OF THIS ORDINANCE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1123.

WHEREAS, the jury lists hitherto made out for said district have been very imperfect, not more than one-fifth part having ever been on the jury list, of those by law qualified to serve, rendering the service thereby unequal and burdensome on those whose names were inserted therein, while at the same time many reputable and proper persons who have been settlers and inhabitants in the said district, and others who have arrived at full age since the last lists were made out, altogether escape doing any duty in that respect, and the judges, from the causes aforesaid, have been prevented at the last holding of the court in that district, to draw a grand and petit jury for the next court, as by law they were required to do. And whereas, it would be extremely hurtful to the public, as well as to individuals who have or may have business depending at the said court, to be delayed for want of a jury to transact the necessary business of the said court on the day appointed by law; for remedy whereof,

Preamble.

I. *Be it ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, that the several persons whose names are inserted in the schedule or list hereunto annexed, entitled "A list of grand jurymen," shall be drawn by ballot, impanneled, summoned, and obliged to serve on all grand juries at the circuit courts to be holden hereafter for the district of Ninety-Six; and the several persons whose names are inserted in the schedule or list hereunto annexed, entitled "A list of petit jurymen and jurymen in civil causes," shall be drawn by ballot, impannelled, summoned, and obliged to serve on all petit and other juries and inquests whatsoever, for the said district of Ninety-Six; and that the several persons whose names are inserted in a schedule or list hereunto annexed, entitled "A list of special jurymen," shall be summoned, returned, and obliged to serve as talesmen in all cases where tales are allowed by law for the said district of Ninety-Six. New Lists of jurymen.

II. *And be it further ordained* by the authority aforesaid, That as soon as may be after the passing of this ordinance, any one or more of the judges of the court of general sessions shall cause to be written on small pieces of paper of an equal size and bigness, the names of all the persons hereby appointed to serve as jurymen, and having first diligently compared them with the list or schedule hereunto annexed, shall cause them to be put in a box or chest to be prepared for that purpose, with proper divi- Drawing and impanneling juries.

A. D. 1779.

sions made therein, which shall be marked on the cover to denominate to what jury they belong, and any one or more of the said judges, out of the persons appointed to serve on juries as aforesaid, shall cause to be drawn a grand and petit jury and jury for civil causes, to serve at the next court to be holden for the said district of Ninety-Six; which drawing shall be at the court-room, in the State-house in Charlestown, on or before the first day of March next, between the hours of ten in the forenoon and two in the afternoon, by a child under the age of ten years, agreeable to the usual practice of drawing juries.

Juries so drawn  
competent and  
legal.

III. *And be it further ordained* by the authority aforesaid, That the juries so drawn shall be summoned, returned, and impaneled to serve at the said court for the district of Ninety-Six, to be holden on the twenty-sixth day of April next, and shall be held, reputed, taken and deemed in law to all intents and purposes whatsoever, as competent and legal, and all their acts and verdicts of as full force, validity, and effect, as if the jury had been drawn at the same time and place prescribed by any former law, rule, usage, or practice of the said court; any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Drawing  
jurors.

IV. *And be it further ordained* by the authority aforesaid, That from and after the first drawing of the jury in manner and form as aforesaid, for holding the next court at Ninety-Six, on the twenty-sixth day of April next, the jury thereafter, from time to time, out of the list hereby established, shall be drawn, summoned, returned and impaneled agreeable to, and in manner and form, and at the times and places directed and prescribed by the act called the circuit court act, or any other acts in force relative thereto, any thing herein contained to the contrary notwithstanding, and shall be entitled to all privileges, and subject and liable to all the duties, fines, pains, and penalties, which are allowed, enjoined, and inflicted by the laws of this State on jurymen.

Holding courts  
when court-  
houses are  
burnt.

V. And whereas the court-house at Camden was lately burnt, and the judge or judges going that circuit, cannot by law hold the courts for Camden district at any other place; *Be it therefore ordained* by the authority aforesaid, That the said judge or judges, until a court-house is built for the said district, shall and may hold the said courts at such place or places in the town of Camden, as he or they shall think proper; and if at any time hereafter, any other of the court-houses in the several districts of this State should be burnt or destroyed, it shall and may be lawful for the judge or judges going circuit, to hold the court for such district respectively, until a new court-house can be built, at any other house they may think proper, at or near the place where the court-house for such district now stands.

New jury list  
for Cheraws.

VI. And whereas, the jury list for the district of Cheraws, hath, through some defect in the jury box, been so intermixed, that juries cannot be regularly drawn or impaneled agreeable to law; *Be it therefore ordained* by the authority aforesaid, that the judge or judges who shall next go on the northern circuit, is and are hereby authorized and required, from the jury list established for the said district, by an act passed the twenty-eighth day of March last, to make and prepare a new jury list, and distribute the same into the different divisions of the jury box aforesaid, from which list juries for the said district shall in future be drawn.

*Ratified by the General Assembly, in the Senate House, the twentieth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

(List of names omitted.)

A. D. 1779.

**AN ORDINANCE TO PREVENT PERSONS WITHDRAWING FROM THE DEFENCE OF THIS STATE TO JOIN THE ENEMIES THEREOF.** No. 1124.

WHEREAS, it is absolutely necessary in well regulated Governments, that every person who has received protection from, should be aiding and assisting in defence of the State wherein he lives; and whereas, several persons, inhabitants of this State, forgetting their allegiance thereto, have gone over to the enemy, treacherously to bear arms against their country, although their families remain peaceably under the protection thereof; therefore, to prevent such criminal conduct in future,

Preamble.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons, from and after passing this ordinance, shall withdraw him or themselves from the defence of the State, and attempt to join the inveterate enemies of the same, or shall actually go over to them, every such person and persons shall be declared guilty of treason against the State, and upon conviction thereof in any of the courts of general sessions of the peace, oyer and terminer, assize, and general goal delivery, in this State, or in any special court of oyer and terminer, to be held by virtue of an ordinance passed the thirtieth day of February, one thousand seven hundred and seventy-nine, shall suffer death as a traitor, without benefit of clergy; and the estate of such person or persons, real and personal, shall be confiscated and forfeited for and to the use of the State.

Joining the enemy declared treason.

II. *And be it further ordained* by the authority aforesaid, That if it shall appear to the Governor or Commander-in-chief for the time being, on the oath of two creditable witnesses, that any person or persons, hath or have withdrawn himself or themselves from this State and joined the enemies thereof, it shall and may be lawful to and for the Governor or Commander-in-chief to issue his proclamation, thereby requiring every such person or persons to return to this State, and surrender himself or themselves to some magistrate thereof, within forty days after the issuing of such proclamation; and in case of his or their non-appearance within the time aforesaid, he or they shall be deemed outlawed, and all the estate, real and personal, of such person or persons, shall be sold by proper persons for that purpose to be appointed by the Governor or Commander-in-chief, and the moneys to arise therefrom deposited in the public treasury of this State, there to remain for the disposal of the Legislature thereof.

Governor may issue proclamation.

III. *And be it further ordained* by the authority aforesaid, That the Governor or Commander-in-chief for the time being, is hereby authorized and required to appoint one or more commissioner or commissioners, for the sale of such estates, and to cause the families, or such of the families of every absentee outlawed as aforesaid, to be sent off without delay, if it shall appear upon trial, to be duly had, at any of the courts of sessions, oyer and terminer, assize, and general delivery, on a bill of indictment, that the remaining of such person or persons in this State shall be dangerous to the safety of the community.

Families of convicted persons to be sent away.

IV. *And be it further ordained* by the authority aforesaid, That all and singular the matter and things in the foregoing clause contained, shall be construed to extend to the families of such persons as have been sent off, or have quitted, or shall quit this State for having refused or neglected to take the oath or oaths required by any act or ordinance of the Legislature of this State.

Construing 3d clause of this act.

A.D. 1779.  
Limitation.

V. *And be it further ordained* by the authority aforesaid, That this ordinance shall continue and be of force for six months, and from thence to the end of the then next sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House, the twentieth day of February, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

JOHN MATHEWS, *Speaker of the House of Representatives.*

No. 1125. *AN ORDINANCE* FOR PROHIBITING THE EXPORTATION OF ALL KIND OF PROVISIONS, HEMP, CORDAGE, RAW HIDES, TANNED LEATHER, SALT, BUTTER, AND TALLOW, FROM THIS STATE TO A CERTAIN TIME; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, it is expedient that an embargo should be laid on all kind of provisions, hemp, cordage, tanned leather, raw hides, and salt, for a limited time;

Articles not to be exported. I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any person or persons, on or before the first day of October next, to ship, lade or receive on board any ship, vessel, or boat, in order to be exported, any hemp, cordage, tanned leather, raw hides, salt, or tallow, or any rice, Indian corn, peas, flour, biscuit, wheat, rye, small rice, beef, pork, bacon, butter, or any other kind of provisions whatsoever, (such only excepted as shall be necessary for the next intended voyage of such ship, vessel, or boat.)

Penalty, and mode of trial. II. *And be it further ordained* by the authority aforesaid, That if any person or persons shall lade on board any ship, vessel, or boat, any of the articles hereby prohibited, with intent to carry the same out of this State, every such person, and all such persons, shall forfeit the same; and the owner or owners, shipper or shippers, of the said goods, shall forfeit treble the value thereof, to be recovered in any court of record in this State, by action of debt, bill, or plaint, or in the court of admiralty of this State; which said court is hereby authorized and empowered to have jurisdiction in every such cause, and to proceed to determine the same agreeable to the directions of the act of the General Assembly entitled "An Act to empower the court of admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, and to establish the trial by jury in the said court, in cases of capture, and for other purposes therein mentioned," passed the thirteenth day of February, one thousand seven hundred and seventy-seven, one moiety of which fines and neat amount sales of the goods hereby forfeited shall be paid into the public treasury of this State, and the other moiety thereof to him, her, or them, who shall inform and sue for the same. And every captain or master of the ship, vessel, or boat, on board of which such goods shall be shipped, shall, on conviction thereof, be imprisoned for the space of six months, without bail or mainprize.

Ships not to be laden without a permit. III. And whereas it is usual to lade on board ships, vessels, and boats, lying in the harbors of Charlestown and Georgetown, and other ports in this State, sundry goods, wares, and merchandise, for the purpose of storing the

same, whereby the embargo now laid may be evaded, unless the same be done under particular restrictions; *Be it therefore ordained*, by the authority aforesaid, That it shall not be lawful for any person or persons to lade on board of any ship, vessel, or boat, any of the said enumerated goods for the purpose of storing the same, unless a permit be first had and obtained for the same, from the collector of the port wherein such goods shall be laden, or of the nearest port thereto, who shall take bond, with a sufficient security, in treble the value of such goods, that the same shall not be exported or carried out of this State, in violation of the embargo hereby imposed.

A. D. 1779.

Collectors can grant permits.

IV. *And be it further ordained* by the authority aforesaid, That all the goods, wares, and merchandise above enumerated, which may have been laden on board of any ship, vessel, or boat, shall be relanded within ten days after the passing of this ordinance, under all the forfeitures and penalties above mentioned, unless the owner or owners, shipper or shippers thereof, shall procure a permit and give bond with security, as above mentioned: Provided that nothing herein contained shall extend, or be construed to extend, to prevent the Governor and Commander-in-chief, by and with the advice and consent of the Privy Council, from permitting any person or persons to export any of the articles above enumerated, on account of the United States, this State, or for the navies and armies of the allies of the United States.

Procuring permit.

Provide.

V. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful to and for the several collectors of the custom-houses in the ports of this State, to administer the usual oath or oaths, to captains or masters of vessels which may be cleared out at their respective offices.

Oath.

*Ratified by the General Assembly, in the Senate House, the seventh day of August, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**AN ORDINANCE** TO EMPOWER THE GOVERNOR OR COMMANDER-IN-CHIEF, FOR THE TIME BEING, WITH THE ADVICE OF THE PRIVY COUNCIL, TO TAKE UP AND CONFINE ALL PERSONS WHOSE GOING AT LARGE MAY ENDANGER THE SAFETY OF THIS STATE. No. 1126.

WHEREAS, it is necessary, in time of invasion, that the hands of the Executive should be strengthened; Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this ordinance, it shall and may be lawful for the Governor or Commander-in-chief, for the time being, by and with the advice and consent of the Privy Council, by warrant under his hand, to keep and detain in custody all such persons as are now in confinement, and to arrest, secure, and commit to safe custody all such persons as now are in, or hereafter shall come into, this State, whose going at large may, in the opinion of the said Governor or Commander-in-chief and Privy Council, endanger the safety of the said State.

Power of arrest and confinement.

II. *And be it further ordained* by the authority aforesaid, That it shall  
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No bail to be  
granted.

not be lawful for the court of general sessions of the peace, or any judge, judges, or justices of the peace, to let to bail any person or persons who are now in confinement by virtue of an ordinance entitled "An ordinance to empower the President or Commander-in-chief, for the time being, with the advice of the Privy Council, to take up and confine all persons whose going at large may endanger the safety of this State," passed the seventeenth of October, one thousand seven hundred and seventy-eight, or any person or persons who shall be committed under the authority of this ordinance during the operation of the same: Provided always, that nothing in this ordinance contained shall extend to invalidate the ancient privileges of assembly, or to the imprisonment of any member of the Senate or House of Representatives during the sitting of the said Houses, before the same hath been communicated to the House of which such person is a member, and the consent of the said Houses obtained therein.

Proviso.

Limitation.

II. *And be it further ordained* by the authority aforesaid, That this ordinance shall continue in force until the end of the next meeting and sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House, the thirty-first day of August, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

No. 1127. *AN ORDINANCE* FOR APPOINTING A NEW JURY LIST FOR THE DISTRICT OF CHERAWS, AND TO IMPOWER ANY ONE OF THE JUDGES, OUT OF THE SAME, TO DRAW A GRAND, PETIT, AND COMMON PLEAS JURY, TO SERVE AT THE COURTS OF GENERAL SESSIONS AND COMMON PLEAS, NEXT TO BE HOLDEN FOR THE SAID DISTRICT, AFTER THE PASSING OF THIS ORDINANCE; AND FOR RAISING THE FINES FOR THE NON-APPEARANCE OF JURORS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the jury lists made out for the district of Cheraws, by virtue of an Act passed the twenty-eighth day of March, one thousand seven hundred and seventy-eight, hath lately been taken out of the jury box and destroyed by some evil disposed person;

Juries to be  
drawn for the  
district of  
Cheraws.

I. *Be it ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the several persons whose names are inserted in the schedule or list hereunto annexed, entitled "A list of grand jurymen for the district of Cheraws," shall be drawn by ballot, impannelled, summoned, and obliged to serve on all grand juries at the circuit courts to be holden hereafter for the district of Cheraws; and the several persons whose names are inserted in the schedule or list hereunto annexed, entitled "A list of petit jurymen and jurymen in civil causes," shall be drawn by ballot, impannelled, summoned, and obliged to serve on all petit and other juries and inquests whatsoever for the said district of Cheraws; and that the several persons whose names are inserted in the schedule or list hereunto annexed, entitled "A list of special jurymen," shall be summoned, returned, and obliged to serve as

talesmen in all cases where tales are allowed by law for the said district of Cheraws.

A. D. 1779.

II. *And be it further ordained* by the authority aforesaid, That any one or more of the judges of the court of general sessions of this State shall cause to be written on small pieces of paper, of an equal size and bigness, the names of all the persons hereby appointed to serve as jurymen, and having first diligently compared them with the list or schedule hereunto annexed, shall cause them to be put in a box or chest to be prepared for that purpose, with proper divisions made therein for each list respectively; and any one or more of the said judges, out of the persons appointed to serve on juries as aforesaid, shall cause to be drawn a grand and petit jury and a jury for civil causes, to serve at the next court to be holden for the said district of Cheraws; which drawing shall be in the court hall in the State House, in Charlestown, on or before the fourteenth day of September next, by a child under the age of ten years, agreeable to the usual practice of drawing juries.

Mode of drawing juries.

III. *And be it further ordained* by the authority aforesaid, That the juries so drawn shall be summoned, returned, and impannelled to serve at the said circuit court for the district of Cheraws, to be holden on the fifteenth day of November next, and shall be held, reputed, taken and deemed in law, to all intents and purposes whatsoever, as competent and legal, and all their acts and verdicts of as full force, validity and effect, as if the said juries had been drawn at the time and place prescribed by any former law, rule, usage or practice of the said court; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Said juries declared legal and valid.

IV. *And be it further ordained* by the authority aforesaid, That from and after the first drawing of the said juries, in manner and form as aforesaid, for holding the next courts at Cheraws, on the fifteenth day of November next, all juries thereafter, from time to time, out of the lists hereby established, shall be drawn, summoned, returned and impannelled agreeable to, and in manner and form, and at the times and places as are directed and prescribed by the Act called the Circuit Court Act, or any other Acts in force relative thereto, and shall be entitled to all privileges, and subject and liable to all the duties, fines, pains and penalties which are allowed, enjoined and inflicted by the laws of this State on jurymen.

How juries are to be drawn in future.

V. *And whereas*, the respective juries for the next circuit courts of general sessions and common pleas, to be holden at Georgetown, on the fifth day of November next, have been omitted to be drawn, as prescribed by law; *Be it therefore ordained* by the authority aforesaid, That the sheriff of Georgetown district be hereby authorized and required to cause to be drawn a grand and petit jury and a jury for civil causes, to serve at the next courts to be holden for the said district of Georgetown; which drawing shall be in the public court house at Georgetown, in the presence of two justices of the peace for the said district, on or before the fourteenth day of September next, by a child under the age of ten years, agreeable to the usual custom of drawing juries.

Juries for the district of Georgetown.

VI. *And be it further ordained* by the authority aforesaid, That the juries so drawn shall be summoned, returned and impannelled to serve at the said circuit court for the district of Georgetown, to be holden on the fifth day of November next, and shall be held, reputed, taken and deemed in law, to all intents and purposes whatsoever, as competent and legal, and all their acts and verdicts of as full force, validity and effect as if the said juries had been drawn at the time and place prescribed by any former law, rule, usage or practice of the said court, and be entitled, subject and liable to all privileges, duties, fines, pains and penalties

Their powers, duties, &c.

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which are allowed, enjoyed and inflicted by the laws of this State on jurymen.

Juries for  
Charlestown.

VII. And whereas, it hath been also omitted to draw a grand and petit jury for the ensuing court of general sessions, to be holden for the district of Charlestown, on the nineteenth day of October next, at the time and place prescribed by law; *Be it ordained* by the authority aforesaid, That any one or more of the judges of the court aforesaid shall, and is hereby directed to, cause to be drawn out of the jury box or chest for the district aforesaid, a grand and petit jury, to serve at the next court of general sessions to be holden for the district of Charlestown, which drawing shall be on or before the fourteenth day of September next, agreeable to the usual practice of drawing juries.

Duties of  
jurymen.

VIII. *And be it further ordained* by the authority aforesaid, That the grand and petit jurors so drawn shall be summoned, returned and impannelled to serve at the said court of general sessions, next to be holden for the said district, and shall be held, reputed, taken and deemed in law, to all intents and purposes whatsoever, as competent and legal, and all their acts and verdicts of as full force, validity and effect as if the said juries had been drawn at the time and place prescribed by any former law, rule, usage or practice of the said court; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Penalty for  
neglect in  
drawing juries.

IX. *And be it further ordained* by the authority aforesaid, That in case any judge, sheriff or clerk of any of the courts of justice in this State, shall hereafter neglect or omit to draw, or cause to be drawn, proper jurors to serve at the said courts, according to the law or laws in such cases made and provided, they and each of them shall forfeit the sum of one thousand pounds current money, one half to the use of the State, and the other to the use of the informer, to be recovered by action of debt, in any of the courts of common pleas in this State.

Penalty on  
Jurymen for  
neglect or refusal  
to appear.

X. And whereas, jurors have of late years greatly neglected to appear and serve on juries, by which public and private justice hath been frequently delayed; to remedy the same, *Be it ordained* by the authority aforesaid, That any jurymen who shall be legally summoned to appear and act as such at any of the courts of justice in this State, and shall neglect or refuse to do the same, every such juror, in lieu of the former fines, if a grand juror, shall forfeit the sum of five hundred pounds current money, and if a petit juror, or a juror summoned to appear and act at a court of common pleas, general or special, shall forfeit the sum of two hundred and fifty pounds like money; unless such person can shew a good and sufficient cause of excuse, on oath, as hath been usual heretofore, to be proved to the satisfaction of any of the judges at the next sitting of the court; to be recovered and applied in the same way and manner that fines for non-attendance of jurors have been heretofore recovered and applied.

*Ratified by the General Assembly, in the Senate House, the 31st day of August, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

(List of names omitted.)

A.D. 1779.

AN ACT to incorporate the Society commonly called and known by the name of the John's Island Society. No. 1128.

(Passed. Sept. 9, 1779. See last volume.)

**AN ORDINANCE TO IMPOWER DOCTOR ALEXANDER GARDEN TO SELL THE ESTATE OF HENRY PERONNEAU, ESQ.** No. 1129.

WHEREAS, Henry Peronneau, Esq., having refused to take the oath of abjuration, by law established, was, agreeable to the said law, ordered to leave the State, and did accordingly leave the same; and having been obliged by the said Act to appoint attornies to sell and dispose of his real and personal estate within this State, in a certain limited time, and to appoint an attorney or attornies for that purpose, did, with the approbation of the President and Privy Council, appoint Doctor Alexander Garden and Mr. Robert William Powell his attornies, jointly, for the purpose aforesaid; and whereas, the said Robert William Powell is since gone off the said State, and the said Alexander Garden is thereby disabled to execute the said power; for remedy whereof,

Preamble.

I. *Be it ordained* by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for the said Alexander Garden alone to do and perform every act and acts, thing and things, needful and necessary, under and by virtue of the said Act of Assembly and power of attorney, as fully in every respect as if the said Robert William Powell was present and joining with him in the execution thereof; any law, custom or usage to the contrary in any wise notwithstanding.

*Ratified by the General Assembly, in the Senate House, the 9th day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**AN ORDINANCE TO IMPOWER HIS EXCELLENCY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE PRIVY COUNCIL, TO BORROW, ON INTEREST, A SUM NOT EXCEEDING THE SUM OF SIX MILLIONS OF POUNDS, CURRENT MONEY, ON THE CREDIT OF THIS STATE.** No. 1130.

WHEREAS, the service of this State requires that a sum of money should, as soon as possible, be raised and paid into the public treasury on loan;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

A. D. 1779.

Governor im-  
powered to  
borrow a sum  
not exceeding  
£6,000,000.

authority of the same, That the Governor or Commander-in-chief for the time being, with the advice and consent of the Privy Council, be, and he is hereby, authorized and empowered to borrow on loan any sum or sums not exceeding the sum of six millions of pounds current money, for the service of this State.

Rate of interest.

II. *And be it further ordained* by the authority aforesaid, That all persons and every person who shall place into the public treasury of this State, on loan, for the term of one year, any sum of money not less than five hundred pounds, shall be entitled, at the expiration of the time, for which the same shall be lent, to receive the said sum to be lent as aforesaid, and the annual interest of ten pounds per centum thereon.

Indents to be  
issued for  
money bor-  
rowed.

III. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, enjoined and required to give to every person and all persons who shall lend or who have lent since the twentieth day of August, one thousand seven hundred and seventy-nine, any sum of money as aforesaid to the public of this State, indents for the same, which indents shall certify the amount of the sum so lent, and the interest that the same is to bear by virtue of this ordinance.

Money deposi-  
ted in the trea-  
sury.

IV. *And be it further ordained* by the authority aforesaid, That if any person or persons who shall place any sum of money in the treasury of this State, shall continue the same therein after the expiration of a year from the lending of the same, every such person and all such persons shall be entitled to draw the same, with the interest which shall be due thereon, out of the public treasury of this State, at the expiration of three months after he, she or they shall have given to the commissioners of the treasury for the time being notice in writing of his, her or their intention.

Additional in-  
terest allowed  
on money pre-  
viously loaned.

V. And whereas, the public of this State have borrowed sums of money on interest, at the rate of seven per centum per annum, for terms which have expired or are upon expiring; to induce such persons to continue their money on loan after the expiration of the time for which the same was lent, *Be it ordained* by the authority aforesaid, That all persons who now have indents for money which hath been lent to the public of this State, shall, after the expiration of the year for which the same hath been so lent, be entitled to receive an interest of ten pounds per centum per annum thereon, provided the time for which the said money was lent hath not as yet expired; and if the time for which the same was lent hath expired, then every such person shall be entitled to receive an interest of ten per centum per annum on the said sum at the expiration of three months after the passing of this ordinance; and the commissioners of the treasury for the time being are hereby authorized and empowered to grant indents for the same, exclusive of the indents to be given for the six millions of money to be borrowed by virtue of this ordinance.

The faith of the  
State pledged  
for payment of  
this loan.

VI. *And be it further ordained* by the authority aforesaid, That the faith of the public of this State shall be, and hereby is, pledged for the repayment of all such sums of money as shall be paid into the treasury of this State by virtue of this ordinance, and for the payment of all interest which shall grow due on the same.

*Ratified by the General Assembly, in the Senate House, the 9th day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

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**AN ACT FOR RAISING AND PAYING INTO THE PUBLIC TREASURY OF THIS STATE, A TAX FOR THE USES THEREIN MENTIONED.** No. 1131.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the uses hereinafter expressed ;

Preamble.

I. *Be it therefore enacted and declared*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That the sum of twenty dollars per head, shall be levied on all negroes and other slaves whosoever, within the limits of this State; and the sum of twenty dollars per hundred acres on all lands throughout the said State, (town lots excepted, and except the property of any lands now belonging to any free Indians in amity with this State;) and the sum of twenty shillings for every hundred pounds, on the full value thereof in the present currency, on every such town lot, wharf, and building, and other lands within the limits of any town, village, or borough in this State, (the bounds of Charlestown to extend from Ashley river to Cooper river, on a direct line with the north side of Boundary and Manigault streets;) and the sum of twenty shillings on every hundred pounds owing to any person or persons, on bond or other specialty, or note of hand, bearing or including interest, over and above what he, she, or they pay interest for, (except such sum or sums of money which now are or shall be hereafter lent on interest to this State, or to the United States of America;) and the sum of twenty-five pounds upon each wheel of every four wheel carriage, (except wagons;) and the sum of twenty dollars per head on all free negroes, mulattoes, and mustizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this act; and the sum of twenty shillings for every hundred pounds on every person's stock in trade, of merchants, traders, and shopkeepers, (that is to say,) the whole amount of what such person is worth in trade at the time he makes his return to the inquirers and assessors, in the full value thereof in the present currency; and the sum of twenty shillings for every hundred pounds, on the profits of all other faculties and professions, (the clergy and all instructors of youth in the liberal arts and sciences excepted;) factorage, employments, and handicraft trades, throughout the State, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information.

Rate of taxation.

II. *And be it also enacted* by the authority aforesaid, That all male persons above the age of twenty-two years, holding estates in this State, who are absent from the United States, shall be doubly taxed, that is to say, that the sum of forty dollars per head shall be levied on all negroes and other slaves whosoever, within the limits of the State; and the sum of forty dollars per hundred acres on all lands throughout the State, (town lots excepted,) and the sum of forty shillings for every hundred pounds on the value of every such town lot, wharf, and building, and other lands within the limits of any town, village, or borough in this State, belonging to such person or persons; and the sum of forty shillings on every hundred pounds owing to any such person or persons on bond or other specialty or note of hand bearing or including interest, over and above what

Absentees to be double taxed

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he or they pay interest for within this State, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information; except those who are absent on the service of the United States or of this State, or absent with leave of either branch of the legislative or executive authority of this State, for any time not exceeding one year, and except those who may have been captured by the enemy, and are thereby prevented from being in this State; and that the personal estates belonging to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted in this State, or which have not been returned to any of the inquirers, assessors, or collectors appointed by this act, shall be assessed in the same manner as lands of absentees; and that the tax assessed shall be levied by the sale of such personal estate.

Taxables to  
render an ac-  
count of their  
property on  
oath.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of Saint Philip and Saint Michael, who are possessed of any lands, slaves, four-wheeled carriage or carriages as aforesaid, moneys for which they receive interest in this State, except such moneys lent to the public as aforesaid, (lands whereon any churches or other buildings for divine worship or free schools are erected or built, and all slaves appurtenant to, or going with, such churches or lands, and all moneys appropriated for charitable uses always excepted,) either in their own right, or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall, on or before the fifteenth day of November, which will be in the year of our Lord one thousand seven hundred and seventy-nine, render a particular account thereof in writing, upon oath or affirmation, and in what parish or district the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively, where the person who is to render such account does live and reside, at such time and place as the said inquirers or collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the fifteenth day of November, which will be in the year of our Lord one thousand seven hundred and seventy-nine; which oath or affirmation shall be in the words following, viz. "I, A B, do swear, or affirm, (as the case may be,) that the account which I now give in, is a just and true account of all the lands, slaves, four-wheeled carriages, moneys I have on bond or other specialty or note bearing or including interest, which I believe to be good, over and above what I pay interest for, (except such money lent to the public,) and which I am possessed of, interested in, or entitled unto, either in my own right or in the right of any other person or persons whosoever, as guardian, executor, attorney, agent, or trustee, or in any other manner whatever, according to the best of my knowledge and belief, and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation the several inquirers and collectors, appointed by this act, are hereby fully authorized, enjoined, and required to administer.

Form of the  
oath.

Executions to  
issue against  
persons for not  
paying taxes.

IV. *And be it also enacted* by the authority aforesaid, That all and every person and persons whosoever, shall be obliged to make return of his or her lands, slaves, moneys at interest in the country, except moneys lent to the public as aforesaid, over and above what he or she pays interest for, to the inquirers and collectors for the parish or district respectively, where such person lives or resides for the greatest part of the year, and pay the tax thereon to the said inquirers and collectors; and the inquirers and collectors of all and every the parishes and districts respectively, shall

be, and they are hereby authorized, empowered, and required to issue executions against all and every person and persons, in their respective parishes or districts, who have not paid the just proportion of the preceding tax.

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V. And whereas, there are divers tracts of land, slaves and monies at interest in this State, held, owned or claimed by persons not resident here, who pay no taxes or other charges toward the support of the Government of this State, *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this State, shall make due and true returns to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides as aforesaid, of all lands, slaves and monies at interest belonging to such absent persons for whom they are attorneys or trustees, and shall send a copy of such return, certified by the said assessors and collectors, to the said assessors and collectors for the parishes or districts where such lands lie; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, or which are due by virtue of any former tax Acts, for such lands, slaves or monies at interest, out of his or their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the collectors respectively, that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax; provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney or trustee shall be liable to pay the said tax, as is herein before directed, any thing herein to the contrary notwithstanding; and for levying whereof, the same remedies shall be, and are hereby given, as for levying the tax to become due by this Act, on the proper estate of such attorney or trustee; and the enquirers and collectors of the several parishes and districts respectively, where any lands lie, which are held or owned by any person or persons not resident in this State, whether they have attorneys or not, or where they have received no certificate of the said lands being returned in any other parish as aforesaid, or the commissioners of the treasury for the time being, shall be, and they are, and he is hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or other wood thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this or any other tax Act; or, after six months notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax, and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors, or the commissioners of the treasury, unless any person shall tender and pay the tax money for such lands before such leases shall be made; and all and every such sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary in any wise notwithstanding.

Attorneys and trustees of absent persons, liable for the taxes assessed on the property of such absentees.

Provide.

Inquirers and collectors may lease land, sell timber, &c. for taxes unpaid.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally

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Lands of absent owners, for which taxes are not paid in two years, declared forfeit.

Proviso.

Inquirers and collectors appointed.

constituted in this State, or which have not been returned to any of the inquirers, assessors or collectors appointed by this Act, then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably and proportionably, according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this State, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to this State, and shall be deemed and taken as vacant land; any law, custom or usage to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prejudice the rights of infants or feme coverts, who shall be entitled to their lands upon claiming the same within two years after they come of age, or become discoverers, upon their paying and discharging all taxes and arrears of taxes that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

VII. *And be it also enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereafter mentioned, viz: for the parish of Christ Church, John Boone and William Darrill; for the parish of St. James, Goose Creek, Peter Smith, John Withers and William Eckles; for the parish of St. John, Berkley county, Thomas Walter, Henry Ravenel, sen. and Thomas Broughton, Jr.; for the parish of St. George, Dorchester, Daniel Stewart, Thomas Waring and William McGillvray; for the parish of St. Thomas and St. Dennis, Nathan Tart, Andrew Hasell, and John Dearington; for the parish of St. Andrew, (James Island excepted,) Thos. Fuller, Esq. and Edward Legge; for that part of the parish called James Island, James Witter and Archibald Scott; for the parish of St. John, Colleton county, viz. for John's Island, William Mathews and Daniel Holmes; for Wadmelow Island, John Wilson; for Edisto Island, Daniel Jenkins; for the parish of St. Paul, Thomas Farr, Jr., Melchior Garner and Andrew Slann; for the parish of St. Bartholomew, viz. Philip Smith, James Postell and John Sanders, for the Horse Shoe and Round O; Henry Hyrne and John Miles for the Upper District, viz. the north and west of the Black Creek and the main waters of the Great Swamp, directly across to Pon-pon river; and John Godfrey and Daniel Dalton for Combabe and Chehaw, in the said parish; for the parish of St. James, Santee, Thomas Boone, senior, and Lewis Miles; for the parish of St. Stephen, Peter Porcher, Jr. and Samuel Dubose; for the parish of Prince George, Win-yaw, Edward Martin, John Cogdell, Thomas Mitchell, James Ford, Jr., Philip Britton and William Thompson; for the parish of All Saints, William Alston, Jr., John Pyatt and Daniel Morrell; for the parish of St. David, William Pegues, Benjamin Hicks, Lam Benton, Elias Dubose, Thomas Powe and David Perkins; for the parish of Prince Frederick, Gavin Witherspoon, Esq., Samuel James, William Wilson and John Ervin; for the parish of St. Matthew, Samuel Dubois, Jacob Christopher Zhan and Jared Neilson; for the parish of Orange, Lewis Golson, William Hill and Henry Felder; for the parish of St. Helena, Captain James Doharty, William Mongu and John Fripp, Jr.; for the parish of

St. Peter, Purysburgh, Paul Porcher, Thomas Cater and John Joachin Hartstone; for the parish of Prince William, Job McPherson, James Smith and William Harden; for the district to the eastward of the Water-ee, John Doby, Glass Caston, John Marshall, John Gabriel Guignard; John James, Jr., Samuel Little, Isham Moore, William Wilson, John Chesnut, and John Dickey; for the district of Ninety-Six, Patrick Calhoun, John Ewing Calhoun, Thomas Leech, Adam Crain Jones, Andrew Barney, William Jones, Thomas Key, Russell Wilson and Nathaniel Spraggins; for the district of Saxe-Gotha and parts adjacent, William Arthur and Jacob Saylor; for the district between Broad and Saluda rivers, in three divisions, viz. the lower district, Michael Leitmer, Philemon Waters and John Lark; the little river district, Henry O'Neal, Captain John Caldwell and Jonathan Downes; the upper district, John Haile and Daniel Thomas; for the district between Broad and Catawba rivers, Jas. Taylor, Philip Pearson, John Allison, John Pearson, Robert Patton and Francis Goodwin; for the district called the New Acquisition, Joseph Howe, Samuel Watson and David Byers, Esq.; for the district between Savannah river and the north fork of Edisto, John Collins, George Robinson and James Leyton Richards.

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VIII. *And be it also enacted* by the authority aforesaid, That William Ancrum, John Ernest Poyas, Thomas Young, Mark Morris, John Walter Gibbs, John Splatt Cripps and Richard Moncrief, senior, be, and they are hereby appointed, inquirers, assessors and collectors for the parishes of St. Philip and St. Michael.

Inquirers, &c.  
for St. Philip &  
St. Michael.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, monies at interest in this State, (except money lent to the public, and except all monies for charitable purposes,) in their own right or in the right of others, or any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the fifteenth day of December, which will be in the year of our Lord one thousand seven hundred and seventy-nine; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors and collectors, for the several parishes respectively within this State, shall close their accounts and shall deliver the same on oath to the commissioners of the treasury for the time being, or either of them, (who is and are hereby empowered to administer such oath,) and pay him or them all such monies as shall be by them respectively received, after retaining one pound per centum for all such monies paid by the country collectors, and ten shillings for every hundred pounds for all monies paid by the collectors of Charlestown, into the hands of the commissioners of the treasury, in pursuance of this Act, on or before the third Tuesday in January, one thousand seven hundred and eighty; and the inquirers, assessors and collectors of each parish or district shall make their return of such parish or district respectively to the said treasurers, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands, slaves and monies at interest, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

Taxes on real  
estate, &c.  
when to be  
paid.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his or her account of monies at interest as aforesaid, that is to say, over and above what they pay interest

Penalty on  
concealment.

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for, (and except all money lent on interest to the public,) lands, slaves or carriages, shall wilfully conceal any part thereof, all such persons shall forfeit five times of the value of the taxes for what they so conceal.

When deemed  
a defaulter.

XI. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of monies at interest as aforesaid, lands, slaves or carriages, to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or by the first Tuesday in December, one thousand seven hundred and seventy-nine, at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her money at interest, lands, slaves and carriages, (except officers and soldiers in the service of the continent or this State, who shall be at liberty to give in such return in the parish or district where he shall then happen to be on duty, and excepting also any such officer or soldier who shall be absent from this State on duty.)

Inquirers to  
give previous  
notice of their  
intention to call  
on the inhabi-  
tants to make  
returns.

XII. *And be it also enacted* by the authority aforesaid, That the inquirers, assessors and collectors of the parish of St. Philip and St. Michael, or any three or more of them, are hereby ordered and directed, on or before the third Tuesday in October, in the year of our Lord one thousand seven hundred and seventy-nine, to go once to the houses of the several inhabitants of the said parishes, of which they shall give previous notice in the Gazette, three weeks before they go to the said houses, and to enquire into and take an account of all the real estate, and particularly in what parts of the town the several lots of land are situated, and of the slaves, monies at interest, and four-wheeled carriages of the said inhabitants, which they shall be possessed of, interested in, or entitled unto, in their own right or in the right of any other person whosoever, lying or being in the said parishes, and of all lands and slaves and four-wheeled carriages, which the said inhabitants are possessed of, in their own right or in the right of any other person, without the limits of the said parishes, or in any other part of the State; and that the said inhabitants of the said parishes of St. Philip and St. Michael, shall, on or before the day last mentioned, render to the said inquirers or collectors, or any one of them, a particular account of their said estates real and personal, in writing, upon oath or affirmation, as directed by the third clause of this Act, which oath or affirmation the said inquirers and collectors are hereby fully authorized, enjoined and required to administer.

Persons over-  
rated may  
swear off the  
overplus.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is overrated, or whose attorney or attornies shall have reason to believe he or she is overrated, for his or her stock in trade, that is to say, the whole amount of what such person may be worth in trade, at the time he or she makes his or her return to the inquirers, assessors and collectors, according to the full value thereof in the present currency, the profits of his or her handicraft trade, employment, factorage, faculty or profession, or for his or her houses and lands, by such inquirers and assessors, shall have ten days public notice given by the assessors and collectors, at the Exchange in Charlestown, and at any other public place in the country for that purpose, to swear off so much as he, she or they, or his, her or their attorney or attornies, shall think they are overrated, before the said assessors or collectors as aforesaid; and the said assessors or collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

XIV. *And be it also enacted* by the authority aforesaid, That any four of the said assessors and collectors appointed for Charlestown, shall be a quo-

rum, and shall meet at the town hall, over the Exchange, in Charlestown, the first Tuesday in November, and there continue to sit until they have finished the calculation of the value of the estates in the said town and within the limits aforesaid, or to adjourn to any other place in the said town, as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the second Tuesday in December, one thousand seven hundred and seventy-nine, and shall cause a duplicate thereof to be posted at the Exchange in Charlestown, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicates shall be posted. And the said assessors, and all the other assessors and collectors of the several parishes and districts in the country, before they enter upon the execution of their said office, shall take the following oath before a justice of the peace, who shall give them a certificate for so doing, gratis: "I, A. B., do sincerely swear or affirm (as the case may be) that I will administer the oath or affirmation, required by this Act to be administered, to all persons making their returns or paying their taxes; and that I will receive no return but on oath or affirmation; and that I will, indifferently, equally and impartially, rate and assess all and every person, according to the full value of what I believe every such person is worth, in the present currency, and the directions given to me by this Act, according to the best of my skill and knowledge: So help me God."

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When inquirers shall make their returns.

XV. *And be it also enacted* by the authority aforesaid, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors, the several sums of money on them respectively assessed, on or before the second Tuesday in January, one thousand seven hundred and eighty; and the said assessors and collectors shall pay to the commissioners of the treasury, all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Time of paying the tax in the parishes of St. Philip and St. Michael.

XVI. *And be it also enacted* by the authority aforesaid, That in case any person whosoever, shall neglect or refuse to pay in his, her, or their tax, at the days and times herein before mentioned and appointed for the payment thereof, the inquirers and collectors respectively, shall, immediately after ten days are fully elapsed, without further delay, levy the same, by virtue of a warrant by them, or any of them, to be signed and sealed for that purpose; which warrant shall be directed to the sheriff or constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges, or shall not make an oath, before the collectors, that he has not directly or indirectly conveyed away or removed his or her said goods or effects, whereon the moneys so assessed may be levied, to avoid the payment of the said tax, and that he or she is not able to pay the same; which oath the said collectors are hereby respectively authorized and empowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects, whereon the moneys so assessed may be forthwith levied, then the said sheriff or constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and convey him or her to the common gaol in the district where such defaulter resides; which warrant shall run in these words, *mutatis mutandis*, viz. "A B, C D, E F, collectors of the general tax for the parish or precinct of —, to G. H. con-

Warrants to be issued against defaulters.

Form of the warrant.

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stable of the parish or precinct of —, or to the sheriff of — district, in the State of South Carolina, or to his lawful deputy. Whereas J. K. hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for defraying the charges of the —, which — hath neglected to pay. These are, therefore, in the name of the State, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said J. K. the said sum of —, together with the charges thereon; and in case the said J. K. shall refuse or neglect to produce goods or chattels sufficient to levy the said distress, and the charge thereon, that then you take the body of the said J. K. and convey — to the common gaol in the district, commanding you, the keeper of the said gaol, to detain the body of the said J. K. in your custody, until — shall pay the said sum of —, together with the charges of keeping and detaining as aforesaid. And for so doing, this shall be your sufficient warrant. Given under our hands and seals this — day of —, Anno Domini —. A B, C D, E F." And the sheriff to whom such warrant shall be directed, shall detain such person in the gaol aforesaid, without bail or mainprize, until the debts and charges aforesaid shall be satisfied. And the sheriff or constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz. for serving every execution, one dollar; and for every pound to be levied as aforesaid, five per centum for the first hundred pounds, and two and a half per centum for every hundred pounds after, and two shillings and sixpence for every mile, to be computed from the dwelling-house of such sheriff or constable, to the house or place of residence of such defaulter; and for the sheriff or constable returning home, mileage at the same rate, and no more or any other fee whatsoever; and the assessors or collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter ten shillings current money.

Fees of  
constables, &c.

Penalty on  
neglect to  
make return or  
pay tax.

XVII. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid, of his or her estate to the said inquirers and collectors, by the time before limited in this act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this act, on any person for whom he or she is guardian, executor, attorney, or trustee, by the time before limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrant in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Commissioners  
of the treasury  
impowered to  
issue warrants  
for arrears of  
taxes.

XVIII. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury shall have full and ample power, in all respects, for collecting and getting in arrears of taxes, which are or were due by any former law or act of Assembly; and the same may be recovered by virtue of a warrant under the hand and seal of the said commissioners for the time being, or either of them, directed to the sheriff or any constable for the district where such arrears of taxes are to be collected; which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables dying  
or departing.

XIX. *And be it also enacted* by the authority aforesaid, That the taxes imposed by this act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die be-

tween the time of giving in his or her account to the said inquirers and collectors, and the paying of his or her tax, and any goods or chattels of the deceased to the value of the sum he or she was assessed at, shall come into the hands of his or executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages, and debts whatsoever, or otherwise a warrant or execution shall issue against the proper goods of such executors or administrators; and if any person between the time of rendering the account of his or her estate to the inquirers and collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find sureties to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

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XX. And whereas many people may be induced, from want of public moneys in the treasury, to advance their tax or taxes, or part thereof, and lodge the same in the treasury, before the day appointed by this act for receiving the same, which may be serviceable to the public; *Be it therefore enacted*, by the authority aforesaid, That in case any person or persons shall voluntarily advance and pay any sum or sums of money, on account of their tax or taxes imposed or assessed by this act as aforesaid, the public treasurers are directed and required to receive the same, and to give a receipt or receipts for the sum or sums so paid, which receipt or receipts shall be allowed as so much in discount, from the tax or taxes such person or persons shall be liable to pay, by the assessors or collectors authorized to receive such tax, on settlement of such person or persons taxes; and that an interest at the rate of ten per centum per annum be allowed on all sums which may be paid into the treasury within one month, by any person or persons, from the passing of this act, towards the taxes to be imposed by virtue thereof: Provided such advance payments shall not be less than fifty pounds current money.

Payment of  
taxes in ad-  
vance.

XXI. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements and goods and chattels of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void to all intents and purposes whatsoever.

Fraudulent  
conveyances.

XXII. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor: Provided that such estate shall be in possession of the said mortgagee.

Mortgagee lia-  
ble to pay  
taxes.

XXIII. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this act, shall, for every such neglect or refusal, forfeit the sum of five hundred pounds current money; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this act, shall, for every such neglect or refusal, forfeit the sum of four thousand pounds current money, to this State, for the support of

Penalty on of-  
ficers for neg-  
lect.

A.D. 1779.

this Government, to be sued for and recovered by the commissioners of the Treasury, for the time being, in any court of record in this State.

Penalty on collectors for default.

XXIV. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present, or any former taxes, shall neglect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all moneys received by him or them, or due to the State on account of the tax herein imposed, or on account of any former tax, within their several and respective parishes and districts, by the time herein before limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under their or his hand and seal, to commit such assessor or collector to the common gaol in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered, upon oath, to be taken before one of the justices of the quorum, a full, and, to the commissioners of the treasury, or one of them, a satisfactory account of, and shall have paid all such sums as aforesaid, by him or them collected, during the time that he or they were collectors, and shall have given in, to the commissioners of the treasury, an account of all moneys due this State, by virtue of this or any former tax act, and the reasonable charges of such commitment.

Vacancies, how to be filled.

XXV. *And be it also enacted* by the authority aforesaid, That in case any of the said inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is, by this act, appointed, before the powers and authorities hereby given them are executed, then his excellency the Governor or Commander-in-chief for the time being, is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons, in the room of him or them so dying, refusing to act, departing the State, or removing out of his parish or district; and the person and persons so appointed, shall have the same powers, and be subject to the same penalties as the inquirers, assessors, and collectors hereby nominated.

Commissioners of the treasury to compel payment of arrears.

XXVI. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or either of them, be, and they, or either of them, are hereby empowered and required to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, and all persons in arrear for taxes, now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he or they is and are hereby required and directed to prosecute all and every person or persons whosoever, neglecting or refusing to do and perform the several matters required by this act, for the recovery of the penalties inflicted by the same, for any such refusal or neglect.

General issue may be pleaded.

XXVII. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, public treasurers, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied in the following manner, that is to say, two-thirds thereof to the use

of the United States, towards the quota of this State's continental debt, and the other third thereof to the use and service of this State. A. D. 1779.

*Ratified by the General Assembly, in the Senate House, the ninth day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR REVIVING AND CONTINUING AN ORDINANCE PASSED No. 1132.**

THE TWENTIETH DAY OF FEBRUARY, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE, ENTITLED "*An Ordinance to prevent persons withdrawing from the defence of this State to join the enemies thereof.*"

WHEREAS, a very important and useful ordinance, entitled "An Ordinance to prevent persons withdrawing from the defence of this State to join the enemies thereof," is very near expiring, and it is found necessary and expedient to receive and continue the same:

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That "An Ordinance to prevent persons withdrawing from the defence of this State to join the enemies thereof," passed the twentieth day of February, one thousand seven hundred and seventy-nine, shall be, and the same is hereby, revived and declared to be in full force, virtue and effect, immediately from the passing of this ordinance, and shall continue in force for twelve months, and from thence to the end of the next sitting of the General Assembly of this State; and no longer.

To prevent persons from withdrawing from the defence of the State.

*Ratified by the General Assembly, in the Senate House, the eleventh day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR IMPOSING A TAX OF TWO AND A HALF PER CENTUM ON GOODS, WARES, AND MERCHANDISES, EXPOSED TO PUBLIC SALE, AND FOR REGULATING PUBLIC AUCTIONS. No. 1133.**

WHEREAS, it is thought expedient to impose a tax on all goods, wares, and merchandises which shall be exposed to public auction, (such only excepted as shall be sold under decrees of the courts of chancery or admiralty, or under execution, or by executors and administrators,)

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax of two and a half per centum be paid into the public treasury of this State by the vendue master or masters, on the amount of all sums that shall be bid on any goods, wares, or merchandise.

Tax to be paid by vendue masters.

A. D. 1779.

dis,es, of what nature or kind soever, that shall be exposed to public auction : Provided always, that nothing herein contained shall be construed to extend to impose any penalty on persons selling goods, wares, or merchandises, under any decree of the court of chancery, or under execution or attachment, or by executors and administrators, or on any prize goods.

II. *And be it further ordained* by the authority aforesaid, That the said tax of two and a half per centum shall be paid by the vendue masters respectively, for the amount sales of all goods, wares, and merchandise received and sold by them or either of them, or any person acting under their authority, at private sale, on commissions.

Vendue masters and owners forbidden to bid at auctions.

III. And whereas, a practice has prevailed among vendue masters and owners of goods, wares, and merchandises, that have been exposed to public sale, to bid for the said goods, either with a view of enhancing the prices of the same, or of fixing the prices of goods of a similar kind : to prevent such practice in future ; *Be it further ordained* by the authority aforesaid, That it shall not be lawful for any vendue master, or person acting under his authority, either directly or indirectly, to bid upon any goods, wares, or merchandises, which he may expose to sale, unless he shall openly declare that he intends to purchase the same bona fide for the use and consumption of himself or family ; nor shall it be lawful for the owner or owners of any goods, wares, or merchandises, to be exposed to public sale, either by him or herself or themselves, or by his, her, or their agents, directly or indirectly, to bid on any such goods, wares, and merchandises ; and in case any such vendue master or person acting under his authority aforesaid, or any such owner and all such owners, shall presume to violate, or in any manner act contrary to this law, on conviction thereof they and each of them shall forfeit and pay a sum equal to three times the value of such goods, wares, and merchandises, to be recovered in any court of record of this State, by action of debt, bill, or plaint ; one-half of which sum so to be recovered shall be paid into the public treasury for the use of this State, and the other half to such person or persons as shall inform and sue for the same.

Penalty for such offence.

Goods not to be sold without a license.

IV. *And be it further ordained* by the authority aforesaid, That it shall not be lawful for any person or persons in Charlestown, after the passing of this ordinance, or for any person or persons in Georgetown, Beaufort, or any other part of this State, within one month after the passing thereof, to expose to public auction any goods, wares, or merchandises, until he or they shall have obtained a license for that purpose, that is to say, if an inhabitant of Charlestown, from the commissioners of the treasury, and if an inhabitant in the country, a like license from a magistrate in his neighbourhood ; and if any person or persons shall expose any goods, wares, or merchandises to public sale, previous to his or their having taken out a license as aforesaid to enable him or them so to do, he or they shall be liable to the penalty of three times the value of the goods so to be exposed to public auction, to be recovered by action of debt, bill, or plaint ; one moiety whereof shall be paid into the public treasury of this State, and the other moiety to such person or persons as shall sue for the same.

Penalty for so doing.

No person to act as vendue master without special commission.

V. *And be it further ordained* by the authority aforesaid, That no person or persons shall hereafter act as a vendue master without a special commission obtained for that purpose from the commissioners of the treasury, under the penalty of twenty thousand pounds current money for each and every offence, to be recovered and applied as the other penalties in this law are directed to be done ; and that the commissioners of the treasury, previous to their giving to such vendue master a commission, license, or licenses, to

act as vendue master or masters, shall take from such person or persons a bond, with two sureties, that is to say, the vendue masters in Charlestown in the penal sum of twenty thousand pounds current money, the vendue masters for Georgetown and Beaufort in the sum of fifteen thousand pounds, and the vendue masters in all other parts of this State in the sum of ten thousand pounds, to observe the regulations laid down by this ordinance; and the vendue masters in Charlestown once in every two months, and the Georgetown, Beaufort, and country vendue masters once in four months, shall render, upon oath, to the commissioners of the treasury, for the time being, a just and true account of the sums that shall be bidden for any goods, wares, and merchandises, by him or them exposed to public sale, and pay into the treasury of this State, for the use thereof, two and a half per centum on the gross amount of the same: Provided *Proviso.* that nothing herein contained shall extend or be construed to extend to any negroes that may be sold at vendue.

VI. *And be it further ordained* by the authority aforesaid, That this ordinance shall be and continue in force for one year from the passing thereof, and from thence to the end of the then next meeting and sitting of the General Assembly; and no longer.

*Ratified by the General Assembly, in the Senate House, the eleventh day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

AN ORDINANCE for establishing a ferry over Santee river, at the plantation of the late Peter Manigault, Esquire, and laying out several roads from the said ferry, and also for establishing another ferry over Santee river, at the plantation of Jared Neilson, Esquire, and for other purposes therein mentioned. No. 1134.

(Passed September 11, 1779. *See last volume.*)

AN ORDINANCE TO ASCERTAIN AND REGULATE THE FEES OF OFFICE OF THE SECRETARY, CLERK OF THE COURT OF GENERAL SESSIONS, CLERK OF THE COURT OF COMMON PLEAS, REGISTER OF MESNE CONVEYANCES, ACTING MAGISTRATES AND CONSTABLES, IN THIS STATE. No. 1135.

WHEREAS, the fees of office allowed to the Secretary of this State, the clerk of the court of general sessions, the clerk of the court of common pleas, the register of mesne conveyances, the acting magistrates and constables, are found at this time too low, and inadequate to the said offices;

*Preamble.*

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this

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Former fees  
trebled.

ordinance, the secretary of this State, the clerk of the court of general sessions, the clerk of the court of common pleas, the register of mesne conveyances, all acting magistrates and constables, for the time being, shall be respectively allowed, entitled to, take and receive, for all and every duty, business, matter and thing relating to, or done or performed in the said offices respectively, thrice the sum or amount of such fee or fees, sum or sums, as have been set down, limited and appointed by an Act passed the seventh day of May, in the year of our Lord one thousand seven hundred and \* \* \*

Penalty for ex-  
tortion.

II. *And be it further ordained* by the authority aforesaid, That no secretary of this State, clerk of the court of general sessions, clerk of the court of common pleas, register of mesne conveyances, acting magistrate, or constable, nor either of them, shall directly or indirectly, take or receive any sum or sums of money, fee or fees, for any other duty, business, matter or thing, which any such secretary, clerk of the said court of general sessions, clerk of the common pleas, register of mesne conveyances, acting magistrate or constable, may do or perform in the said offices respectively, than the sum of thrice the fees which are mentioned, limited, and appointed by the said act, upon penalty of the forfeiture of one shilling for every penny which such secretary, clerk of the sessions, clerk of common pleas, register of mesne conveyances, acting magistrate or constable, shall so receive respectively; to be recovered by action of debt, bill, plaint, or information, in any court of record in this State, wherein no essoign, privilege, protection, nor wager of law, shall be allowed, nor any more than one imparlance; and if the forfeiture shall be under twenty pounds currency, to be recovered before a justice of the peace in the usual manner.

Limitation.

III. *And be it further ordained* by the authority aforesaid, That this ordinance shall continue and be in force for one year from the passing thereof, and from thence to the end of the next meeting and sitting of the General Assembly; and no longer.

*Ratified by the General Assembly, in the Senate House, the eleventh day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**No. 1136. AN ACT TO EMPOWER THE GOVERNOR, WITH ADVICE OF THE PRIVY COUNCIL, TO ISSUE SPECIAL COMMISSIONS FOR TRIAL OF PERSONS IN ANY DISTRICT, WHERE THE SAME CANNOT BE HAD IN THE DISTRICT WHERE THE OFFENCE WAS COMMITTED.**

Preamble.

WHEREAS, by the laws of this State, bills of indictment are to be found, and offenders tried, not only in the district where the offences are committed, but also in a particular place in such district; and whereas, there are many persons now confined in Charlestown gaol, charged with the commission of various crimes or offences in different districts of this State, and it may now be inconvenient to hold the said court in any partic-

ular district where such offences have been committed; and whereas, it may be often inconvenient, and sometimes impracticable, in time of invasion of this State, for the judges to hold courts and try offenders at the place appointed in the district, or even in the district where the offences are committed; to the end, therefore, that offenders may not conceive any hope of escaping with impunity, that justice may speedily and securely be administered, as well with respect to those persons who are in custody as those who shall be hereafter apprehended for any crime whatsoever, and by making proper examples now, the peace and tranquillity of the State may be in future preserved:

A. D. 1779.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the Governor or Commander-in-chief, for the time being, with the advice of the Privy Council, from time to time, to issue special commissions of oyer and terminer under the great seal, to be directed to the chief justice, or any of the assistant judges, of this State, for the speedy trial of all persons who are now in custody, or may be hereafter apprehended and charged with the commission of any crime whatsoever against the laws of this State, and to appoint such places and times for the said trials as shall be thought the safest and most convenient in, or to, the district where the offence was committed, if such offender cannot conveniently be tried at the place already fixed by law; any law, usage, or custom, to the contrary notwithstanding.

Issuing special commissions for the trial of criminals.

II. *And be it further enacted* by the authority aforesaid, That the said chief justice, assistant judge or judges, shall have the same power and authority to inquire, hear, and determine all and every offence, of what nature or kind soever, against the laws of this State, in as full and ample manner to all intents and purposes whatsoever, as are given to the chief justice, assistant judge or justices, or commissioners, by an Ordinance entitled "An Ordinance to empower the Governor or Commander-in-chief of this State for the time being, to issue commissions for holding special courts of oyer and terminer for the speedy trial of such persons as shall be charged with sedition, insurrection, or rebellion, against this State, and for other purposes therein mentioned," passed the thirteenth day of February, one thousand seven hundred and seventy-nine; or which have at any time heretofore been used and exercised by any ordinary court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, in this State.

Judges to hear and determine such cases.

III. *And be it further enacted* by the authority aforesaid, That the said chief justice, or any of the assistant judges, when directed to sit for the trial of any person or persons, shall cause the names of grand and petit jurors to be drawn out of the jury box of the district where the offence was committed, if practicable, and if not practicable in the opinion of such chief justice or assistant judge, or any of them, then out of the jury box of the district wherein the offender or offenders are appointed to be tried; and the same mode of balloting, impannelling, and summoning the said juries, shall be observed as is prescribed by the abovementioned ordinance; and the jurors or witnesses neglecting or refusing to attend, or attending, shall refuse to do the duty required of him or them, shall be subject and liable to all the pains and penalties particularly mentioned in the said ordinance.

Jury to be drawn in the district where the offence is committed, if practicable.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force from and immediately after the passing

Limitation.

A. D. 1779. thereof, to the end of the next meeting and sitting of the General Assembly; and no longer.

*Ratified by the General Assembly, in the Senate House, the eleventh day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

No. 1137. *AN ACT FOR THE MORE EFFECTUAL DEFENCE OF THIS STATE.*

Preamble.

WHEREAS, it is highly necessary, for the defence of this State, that the six continental regiments be immediately completed and filled up by voluntary enlistments, and that the militia be put upon such an establishment as may enable them to render the most effectual service to their country, in this time of danger and invasion;

Bounties allowed to those who enlist in the continental regiments.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, and until the first day of January next, every able-bodied man who shall voluntarily enlist as a private, to serve in either of the regiments of this State, on the continental establishment, for the space of twenty-one months, shall receive, at the time of such enlistment, a bounty of five hundred dollars paid in hand, and a further bounty of two thousand dollars, payable at the end of their faithful service, for security of which they shall obtain an indent from the commissioners of the treasury, carrying ten per centum interest, payable half yearly, which indent shall not be transferable; and in case such soldier shall be killed or shall happen to die in the service, such indent and the money due thereon shall go to his legal representatives; and every such person so enlisting shall be further entitled, at the expiration of the said twenty-one months, to one hundred acres of land in this State, (provided the same be not run out between the forks of Tugoloo and Keowee, reserved by an Act of Assembly, passed the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and seventy-eight, for such soldiers as shall serve in the said regiments to the expiration of the present war); and in case such soldier, so enlisting for twenty-one months, shall die or be killed in the service, the said one hundred acres of land shall, in like manner, go to his lawful heirs; but that such soldier shall have no right to convey or alien his claim or title to the said land before it shall be actually located and granted to him; and every person so enlisting shall be further entitled to all the advantages of pay, clothing and rations, and be subject to the same articles of war, as other soldiers are in the continental regiments of this State.

Said bounties to be offered to the militia.

II. *And be it further enacted* by the authority aforesaid, That his Excellency the Governor or Commander-in-chief for the time being, is hereby directed to order the several regiments of militia throughout the State to be called out within one month from the passing of this Act, at such convenient places as he shall think most proper, and then to cause the above mentioned bounties to be offered to every able-bodied man who shall voluntarily enlist in either of the said regiments, as aforesaid, for the term of twenty-one months.

III. *And be it further enacted* by the authority aforesaid, That the commanding officers of the regiments of militia shall cause the recruits from their regiments, as soon as may be, after the receipt of their bounty, to be delivered to any continental officer as may attend to receive them, or, in case no officer attends, to be marched to the head quarters of the army, wherever it may be, within this State or Georgia. A. D. 1779.  
Disposal of recruits.

IV. *And be it further enacted* by the authority aforesaid, That no person shall, in future, be allowed to appoint a substitute in either of the continental regiments of this State, in order to excuse him from doing duty in the regiment of militia to which he belongs, or to exempt him or them from serving in any continental battalion for any offences against the militia laws of this State. Substitutes.

V. *And be it further enacted* by the authority aforesaid, That the whole militia of this State shall be divided into three classes, one of which shall always be required to hold themselves in readiness to march to such place as they shall be ordered, to do duty for two months from the time of their joining head quarters or arriving at the place of their destination, at the expiration of which time they shall be punctually relieved by another class, who shall also do duty for two months, and at the expiration of their time they shall be relieved by the third class, who shall serve for the like term, and they again shall be relieved by the first; and thus every class shall do equal duty in rotation; but that it shall and may be lawful for the commanding officer (in case he shall have particular occasion for their services) to detain any such class ten days over and above their two months, and no longer, in any case whatsoever. The militia to be divided into three classes.

VI. *Provided always, and be it further enacted*, That all licensed clergymen, and all schoolmasters having fifteen children or scholars under their immediate tuition, shall not hereafter be draughted to serve; and that such of their scholars as are under eighteen years of age, be, in like manner, exempted; except in case the State should be actually invaded, in that part thereof which may be so invaded shall not be exempted from being draughted to do duty in the militia, for the defence thereof. Persons exempted from militia duty.

VII. *And be it also enacted* by the authority aforesaid, That no person owning any ferry in this State, shall hereafter be exempted from militia duty unless he shall constantly reside at such ferry; and that no person owning any grist-mill or mills, in this State, shall hereafter be exempted from militia duty, unless such person or persons, so owning the said grist-mill or mills, first obtain a certificate from the field officers, or a majority of them, in their respective districts, for his having permission to attend such mill or mills, and will actually attend accordingly, for the benefit of the public. Ferryman and millers exempted, on certain conditions.

VIII. *And be it further enacted* by the authority aforesaid, That for the better accommodation of the militia, for the more regular and exact payment of such as may be actually on service, a paymaster be appointed to each regiment of militia, and one to the Charlestown battalion of artillery, to be chosen by the respective officers; which paymasters, upon their being so appointed, respectively, shall give bond in the sum of thirty thousand pounds, with two good securities, for the faithful performance of their office; that a daily pay of two dollars be allowed to each paymaster hereby appointed to the several regiments of militia and battalion of artillery in Charlestown, to be paid whilst the regiment is on actual duty; and that a quarter master be also appointed to each of the said regiments and to the said battalion, and that a daily pay of two dollars be allowed to each quarter master so to be appointed, for every day the said quarter masters respectively shall be on duty. Paymasters and quarter-masters to be appointed.

A.D. 1779. IX. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to prevent any private man in the militia, who may be draughted to go out on duty, to exchange his tour of duty with any able-bodied man of the said troop or company of the militia, in either of the other two classes, to go out in his stead.

Proviso.

Limitation.

X. *And be it further enacted* by the authority aforesaid, That this Act, and every clause, matter and thing therein contained, shall continue and be of force for six months from the passing thereof, and from thence to ten days after the next meeting and sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House, the 11th day of September, 1779.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

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No. 1138. AN ACT for raising the rates of Ferriage heretofore allowed by law to the proprietors of Ashley and Combahee Ferries; and for establishing several other Ferries, therein mentioned.

(Passed Sept. 11, 1779. *See last volume.*)

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No. 1139. AN ACT to appoint and empower Commissioners to lay out, cut, sink, clean and keep clean and in repair, a cut or water passage from Ashepoo river to Pon-pon river, and from Ashepoo river to Chehaw; and for other purposes therein mentioned.

(Passed Sept. 11, 1779. *See last volume.*)

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No. 1140. AN ORDINANCE FOR THE BETTER DEFENCE AND SECURITY OF THIS STATE, DURING THE RECESS OF THE GENERAL ASSEMBLY.

Preamble. WHEREAS, in times of danger and invasion, it has always been the policy of republicks to centre the powers of government in the hands of the supreme magistracy, for a limited time, to give vigour and despatch to the means of safety; and whereas, from the present situation of affairs within this State, it behoves us for our common safety to follow such example, and by such well-timed confidence in the servants of the community, acting under the authority of the people and amenable to them, defeat the tyrannical views of an ambitious and cruel enemy, and thereby preserve our peace, liberty and happiness, and prevent the injuries of slavery and oppression;

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the State aforesaid, now met and sitting in General

Assembly, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-chief of this State for the time being, with the advice and consent of the Privy Council, at any time after the passing of this ordinance, and during the continuance thereof, to embody, array, and dispose of, any part of the militia and Charlestown battalion of artillery of this State; provided, that not more than one third part of the militia are drawn forth into actual service; unless those regiments of the militia in the parts immediately invaded, or within eighty miles thereof; and to form any camp or camps, in such manner as may most effectually and expeditiously counteract the designs and operations of our enemies, and tend to the public safety; and that the Governor or Commander-in-chief, with the advice of the Privy Council, shall make a proper provision for the family of any poor person who shall be draughted or ordered to take the field, in such manner as shall most readily relieve any such family from any distress or want by the absence of such person being draughted or ordered.

A. D. 1780.

Certain powers  
vested in the  
Governor and  
Council.

II. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, when it shall appear to them necessary, to restrain or put a stop to all vendues and commercial transactions, and to the proceedings of the court of common pleas, for such time as they may judge requisite, and to exert any means for effecting the same; provided, this shall not extend to any person or persons who are about to depart this State, or to such who shall refuse to give sufficient security for his, her or their just debts.

May stop ven-  
dues and pro-  
ceedings of the  
court of com-  
mon pleas.

III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, to erect or repair and garrison forts and fortifications, for the defence of the frontiers and other parts of this State; and also to build, purchase or hire, and equip and man vessels, for the protection of the coasts; to embody any company or companies of seamen and mariners in the service of this State, to serve in forts, batteries, garrisons, and on board the public galleys or vessels, or in any other manner which may be necessary, and to allow such pay and bounty as they shall think proper; and to lay up, in safe places, magazines of provisions and military stores; and to do all other matters and things which may be judged expedient and necessary to secure the liberty, safety and happiness of this State, except taking away the life of a citizen without legal trial. Provided, it does not extend to subject the militia to articles of war for the regulation of the Continental or State troops.

Governor may  
erect forts, pro-  
vide military  
stores, &c.

IV. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, if it shall be judged requisite for the public service, by warrant or order under the Governor's hand, to cause any ships, vessels, shops, storehouses, cellars, or other suspected places, by forcing locks, bars and fastenings, to be searched, where it may be suspected any stores of necessaries are stored or concealed, which may be wanted for public service, and to seize and take them for the public use, which said articles, so seized, shall be paid for at the prices then current.

May cause  
search to be  
made for pro-  
visions con-  
cealed.

V. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief for the time being, with the advice and consent of the Privy Council, from time to time, to draw on the treasury of this State for any sum or sums of money which may be requisite to carry into execution any of the powers and authorities given by this ordinance; and that for all expenses to be incurred by the

And draw on  
the treasury  
for any sums  
necessary.

A. D. 1780.

execution of any such powers the public faith is hereby pledged, and this State made liable.

A quorum of the Council not attending, the members present may transact business.

VI. *And be it further ordained* by the authority aforesaid, That if at any time a quorum of the Privy Council of this State cannot be assembled as expeditiously as any emergency may require, it shall be lawful for the Governor or Commander-in-chief for the time being, to carry into execution, with the advice of such of them as can be convened, the powers and authorities given by this Act, or any other Act or ordinance; any law or ordinance to the contrary in any wise notwithstanding.

General issue may be pleaded.

VII. *And be it further ordained* by the authority aforesaid, That if any person or persons shall be sued or molested, in any manner, for any matter, cause or thing, done or caused to be done in pursuance of this ordinance, it shall and may be lawful for any such person or persons to plead the general issue, and give this ordinance and the special matter in evidence; and if the plaintiff or plaintiffs in any such suit shall suffer a nonsuit, discontinuance, or a verdict shall pass against such plaintiff or plaintiffs, he, she or they shall pay treble costs of suit.

The battalion of artillery to be under the command of the Governor.

VIII. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief to have and exercise over the battalion of Charlestown artillery all and every power and authority given him by any militia law or laws of this State, and the powers and authorities given in and by this ordinance, in like manner as over the militia of this State.

Limitation.

IX. *And be it further ordained* by the authority aforesaid, That this ordinance, and every matter therein contained, shall be of force and continue until ten days after the next meeting and sitting of the General Assembly, and no longer.

*Ratified by the General Assembly, in the Senate House, the third day of February, 1780.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

No. 1141. **AN ORDINANCE** TO ENTITLE SUCH PERSONS AS SHALL PLACE ANY SUM OF MONEY IN THE PUBLIC TREASURY OF THIS STATE, OR WHO SHALL SUPPLY THE PUBLIC WITH ANY PROVISIONS OR OTHER NECESSARY ARTICLES, IN PART PAYMENT OF HIS OR HER NEXT TAX, TO AN INTEREST, AT THE RATE OF TEN PER CENTUM PER ANNUM, ON THE SAME.

Preamble.

WHEREAS, many people may be desirous of advancing money to the treasury of this State, in payment or part payment of their next tax or taxes;

Interest allowed on money advanced for taxes.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons shall voluntarily advance and pay any sum or sums of money, on account of his, her or their next tax, to be imposed by the Legislature of this State, the commissioners of the public treasury are hereby directed and required to receive the same, and to give a receipt or receipts for the sum or sums so to be paid,

which receipt or receipts shall be allowed as so much in discount from the next tax or taxes such person or persons shall be liable to pay; and that an interest of ten per cent. per annum be allowed on all sums which may be paid into the treasury by virtue hereof; provided, such advanced payments shall not be less than four hundred pounds current money; and in case of the death of any such person or persons before the time limited for the payment of such tax or taxes, the heirs, executors or administrators of such deceased person shall be allowed the same advantage.

A. D. 1780.

II. *And be it further ordained* by the authority aforesaid, That all and every person and persons who shall supply the officers who may be appointed by his Excellency the Governor, with the advice and consent of the Privy Council, with any kind of provisions or other necessary articles, for the public use, and are willing the price of the same shall be appropriated to the payment or part payment of his, her or their next tax or taxes, every such person and persons, they, their heirs, executors or administrators, as aforesaid, shall not only be allowed the then current price, but shall receive, from the public of this State, interest, at the rate of ten per cent. per annum, for the amount of his, her or their account, from the time such provisions or other necessary articles are so supplied until the said tax shall become due; and the same, upon producing a certificate thereof signed by any one of the said officers, shall be allowed by the assessors and collectors as so much in discount from the next tax or taxes such person or persons shall be liable to pay.

Supplying the officers with provisions, in payment of the next taxes.

*Ratified by the General Assembly, in the Senate House, the twelfth day of February, 1780.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR LAYING ON A GENERAL EMBARGO, FOR THE No. 1142.**  
TIME THEREIN LIMITED.

WHEREAS, for many weighty and obvious reasons, it is absolutely necessary that a general embargo should be immediately laid on the trade of this State;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing this ordinance, and during the continuance and operation thereof, it shall not be lawful for any ship, boat or vessel whatsoever, to sail or depart from any port, inlet, river, creek or harbour of or in this State, for or to any part or place whatsoever out of the same.

A general embargo laid.

II. *And be it further ordained* by the authority aforesaid, That this ordinance shall continue and be of force, for, during and until the first day of April next ensuing, unless his Excellency the Governor or Commander-in-chief for the time being, by the advice and consent of the Privy Council, shall think it expedient and necessary for the public service, by proclamation, to suspend the execution and operation thereof on any article of merchandize, and for any part of the time hereinbefore limited, which, in such case, they are hereby fully authorized, empowered and directed to do.

Limitation of the same.

A. D. 1780.

Penalty on  
violating the  
embargo.

III. *And be it further ordained*, by the authority aforesaid, That if any person or persons shall violate the present embargo, by loading or putting on board of any vessel, ship or boat, any goods, wares or merchandize, to depart this State, or by departing the same in any such vessel, ship or boat, the owner or owners, shipper or shippers, of such goods, wares or merchandize, vessels, ships or boats, shall be liable to the same penalties, punishments and forfeitures as any person or persons are liable to by the clause in an ordinance passed the twenty-eighth day of September, one thousand seven hundred and seventy-eight, are made liable and subject to, for violating any embargo laid by the Governor's proclamation, according to the constitution; such penalties and forfeitures to be recovered and applied in the same way and manner as the said clause of the said recited Act ordains. Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent the Governor or Commander-in-chief for the time being, with advice of the Privy Council, from permitting any vessel or vessels to depart the same, as he, with the advice aforesaid, may think necessary and proper for the public service.

*Ratified by the General Assembly, in the Senate House, the 12th day of February, 1780.*

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

No. 1143. AN ACT for the better defence and security of this State during the recess of the General Assembly.

(Passed February 6, 1782. This Act being identical with No. 1140, it is deemed unnecessary to insert it here.)

No. 1144. AN ACT FOR REPEALING THE LAWS WHICH MAKE PAPER CURRENCY, OR BILLS OF CREDIT, A LEGAL TENDER, IN PAYMENT OF DEBTS, IN THIS STATE.

Preamble. WHEREAS, bills of credit, or paper money, issued either by the legislature, during the former government under the King of Great Britain, or by the Provincial Congress, or by the Legislature of this State, or by the Continental Congress, were made and established by law to be a good and legal tender, in payment of all debts and demands throughout this State; and whereas, at present, the said laws are found inconvenient;

Paper money  
not a legal  
tender. I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That from and after the passing of this Act, no bill or bills of credit or paper currency, whatever, shall be considered, taken or received as a legal tender, payment or discharge of any debt, due or demand whatsoever;

and that the laws making such paper money or bills of credit a legal tender and payment, be, and they are hereby, repealed. A.D. 1782.

*In the Senate House, the sixth day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO SUSPEND THE OPERATION OF THE LIMITATION ACT.**

**No. 1145.**

WHEREAS, the circumstances of the good people of this State have for several years been such that the operation of the Act of Limitation, if admitted, will be productive of many inconveniencies and much injustice; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That no such action, process or proceeding, or cause thereof, either at law or in equity, which was not barred by the said Act on the first day of January, in the year of our Lord one thousand seven hundred and seventy-five, shall be barred thereby until the first day of February, in the year of our Lord one thousand seven hundred and eighty-three; but that the said Limitation Act shall be, and the same is hereby, suspended, until the day last abovementioned; and that every person who, on the said first day of January, was entitled to any such suit, action, process or proceeding, or cause thereof, or his legal representatives, shall and may, on or before the said first day of February, commence and prosecute the same; any thing in the said Act for the limitation of actions contained, to the contrary thereof in any wise notwithstanding. Limitation Act suspended till Feb. 1, 1783.

II. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken to be a public Act, and judicially taken notice of as such.

*In the Senate House, the sixth day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO REVIVE AND CONTINUE SUCH LAWS AS HAVE EXPIRED SINCE** **No. 1146.**

**THE SITTING OF THE LAST GENERAL ASSEMBLY, OR WILL EXPIRE WITH THE PRESENT SESSION.**

WHEREAS, since the last sitting of the General Assembly many salutary laws have expired, and others will expire at the end of this session; and whereas, it is conducive to the public interest that all the said laws should be revived and continued; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the

A. D. 1782.

same, That the several Acts and Ordinances of the General Assembly, which have expired since the last, or will expire with the present session, shall be, and they are hereby, revived and continued, until ten days after the next meeting and sitting of the General Assembly of this State.

*In the Senate House, the sixth day of February, A. D. 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1147. *AN ACT FOR SETTLING THE QUALIFICATION OF THE ELECTORS AND ELECTED, IN THE NEXT GENERAL ASSEMBLY.*

Preamble.

WHEREAS, it is inconsistent with, and repugnant to, the spirit, intent, and meaning of the constitution or form of government, that persons who have withdrawn their allegiance to the State, and borne arms with, or received protection from, the enemy, and acknowledged themselves subjects of the king of Great Britain, should be admitted to vote for, or be eligible as, members of the Legislature, unless such persons shall have returned to their allegiance, and been received and re-admitted by the State to the rights and privileges of citizens; and whereas, his excellency the Governor and Commander-in-chief, by his proclamation, bearing date on or about the twenty-seventh day of September last, offered to all persons who had borne arms with the enemy, and then adhered to, or were with them in this State, or lurking or concealing themselves in secret places in any part of this State, a full and free pardon and oblivion for such their offence of having borne arms with, or adhered to the enemy, on condition that such persons should, within thirty days after the date of the said proclamation, surrender themselves to a brigadier of militia of this State, and engage to perform constant duty as privates in the militia for six months next ensuing the time of such surrender, and that they should actually perform such duty; excepting, nevertheless, from the pardon offered by the said proclamation, and from all benefit thereof, all such persons as having gone over to, or joined the enemy, were called upon by him in and by two several proclamations, to surrender themselves to a magistrate within forty days after the dates of those proclamations respectively, pursuant to an Ordinance entitled "An Ordinance to prevent persons withdrawing from the defence of this State to join the enemies thereof;" all such as were sent off, or obliged to quit the State, for refusing to take the oath required of them by law, and had returned to this country; all those who subscribed a congratulatory address bearing date on or about the fifth day of June, 1780, to General Sir Henry Clinton, and Vice Admiral Arbuthnot, or another address bearing date on or about the nineteenth of September, 1780, to Lieutenant General Earl Cornwallis; all such as on the said 27th day of September held, or theretofore had held, any commission, civil or military, under the British Government, and were on that day with the enemy; and whereas, the Governor, by his proclamation bearing date on or about the seventeenth day of November last, extended the benefit of the proclamation abovementioned, to all such as had surrendered themselves after the time limited as aforesaid for their surrender, or as should surrender themselves on or before the seventeenth day of De-

ember last, to a brigadier of militia, and comply with the conditions abovementioned; and whereas, it is inconsistent with justice and policy that any of the persons who are excluded by the said proclamation from pardon, should be admitted to vote for, or be eligible as, members of the Legislature; A. D. 1782.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That none of the persons who, by the said proclamation, are exempted from pardon, shall be entitled to vote for, or be eligible as, members of either branch of the Legislature in the next General Assembly. Pardoned persons eligible to vote or be elected.

II. *And be it further enacted* by the authority aforesaid, That such persons as had borne arms with, or received protection from the enemy, and afterwards, on or before the said 27th day of September, bore arms in defence of the State, or furnished a substitute in the regular service, and who have continued, and shall continue to co-operate in the defence of this State, shall be entitled to vote for, and be eligible as members of the Legislature. Persons entitled to vote and hold office on certain conditions.

III. *And be it further enacted* by the authority aforesaid, That all persons to whom pardon for having borne arms with, or adhered to the enemy, was offered by the said proclamation, shall be entitled to vote for, and be eligible as, members of the Senate and House of Representatives, on complying with the terms and conditions of the said proclamation, or furnishing two substitutes in one of the continental regiments of this State, to serve during the war. Pardoned persons entitled to vote on complying with the conditions of the proclamation.

IV. *And be it further enacted* by the authority aforesaid, That every person to whom the benefits of this Act are meant to be extended, and who shall offer to give his vote at the election of members of the Legislature, shall, previous to his voting, produce to the returning officer a certificate in writing, under the hand of the commanding officer of the regiment, and countersigned by the brigadier of militia, to which he shall belong, of his having actually performed the duty required of him by the proclamations herein before mentioned, or furnished two substitutes in one of the continental regiments of this State, to serve during the war. Such persons to produce a certificate before voting.

V. *And be it further enacted* by the authority aforesaid, That every person to whom the benefits of this Act are meant to be extended, and who shall be elected a member of the Legislature, shall, before he is admitted to a seat therein, take an oath in the House of which he is returned a member, that he is duly qualified, according to this Act, to be chosen a member thereof. Oath.

*In the Senate House, the sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ACT for holding the Circuit Courts of Oyer and Terminer in the several districts of this State, and for making out a new Jury List. No. 1148.

(Passed February 26, 1782. See last volume.)

A. D. 1782.

No. 1149. *AN ACT* TO VEST IN THE CONGRESS OF THE UNITED STATES, A POWER TO LEVY DUTIES OF FIVE PER CENT. AD VALOREM, ON CERTAIN GOODS AND MERCHANDISE, IMPORTED INTO THIS STATE, AND ON PRIZES AND PRIZE GOODS CONDEMNED IN THE COURT OF ADMIRALTY OF THIS STATE, AND FOR APPROPRIATING THE SAME.

Preamble.

WHEREAS, the honorable the Congress of the United States, by their Act bearing date the third day of February, Anno Domini one thousand seven hundred and eighty-one, recommended to the several States to vest a power in Congress to levy a duty of five per cent. ad valorem, at the time and place of importation, upon all goods, wares, and merchandise, of foreign growth and manufacture, which should be imported into any of the said States, from any foreign port, island, or plantation, except such articles as are mentioned in the said Act; and a like duty of five per cent. on all prizes and prize goods which should be condemned in the courts of admiralty in any of these States; the proceeds arising from the said duties to be appropriated to the discharge of the debts contracted, or to be contracted, on the faith of the United States, for supporting the present war; in order to comply with the said recommendation,

Duties on foreign goods to be levied by Congress.

I. *Be it enacted*, by the honorable the Senate and by the House of Representatives, met in General Assembly, and by the authority of the same, That the United States in Congress assembled, shall be, and they are hereby, authorized and empowered to levy, for the use of the said States, a duty of five per cent. ad valorem, at the time and place of importation, upon all goods, wares, and merchandise, of foreign growth and manufacture, which may be imported into this State, from any port, island, or plantation, not within any of the United States; except arms, ammunition, clothing, and other articles imported on account of the said States, or any of them, and except wool, and cotton cards, and wire for making them, and also except salt, during the war; that the said States be, and they hereby are, also empowered to levy for the use aforesaid, a duty of five per cent. on all prizes and prize goods condemned by the admiralty court of this State as lawful prize.

Congress to appoint collectors for the State.

II. And whereas, it will conduce to the general interest that the commercial regulations throughout the said States be uniform and consistent; *Be it further enacted* by the authority aforesaid, that the said United States in Congress assembled, shall be, and they are hereby, fully authorized to appoint one or more collector or collectors in this State, to collect the said duties, according to such rules and ordinances for collecting and levying the same, as they shall judge expedient: Provided always, that such rules and ordinances be not repugnant to the laws and constitution of this State.

Proviso.

Revenue to be applied to the discharge of U. States debts.

III. *And be it further enacted* by the authority aforesaid, That the moneys arising from the said duties shall be, and they are hereby, appropriated to the discharge of the principal and interest of the debts already contracted, or which may be contracted, on the faith of the said United States, for supporting the present war.

Act to be in force until the debts are discharged.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue in force until the full and final discharge of the debts herein before mentioned, and no longer.

V. *And be it further enacted* by the authority aforesaid, That this Act shall not take place until a similar law has been enacted by the Legislature of the other States. A. D. 1782.

*In the Senate House, the twenty-sixth day of February, one thousand seven hundred and eighty-two.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO PREVENT THE COMMENCEMENT OF SUITS FOR THE RECOVERY OF DEBTS, FOR THE TIME AND ON THE CONDITIONS THEREIN MENTIONED.** No. 1150.

WHEREAS, by an Act of the present session of the General Assembly, paper bills of credit are declared to be no longer a legal tender; and whereas, there is at present but a small quantity of specie circulating in this State, and it would be injurious to the good citizens thereof (they having been greatly distressed by the war) to be compelled to pay their debts under the circumstances abovementioned: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met in General Assembly, and by the authority of the same, That no suit shall be commenced for any debt until ten days after the next meeting and sitting of the General Assembly, unless the creditor shall make oath before some magistrate that he has good reason to believe his debtor intends to quit or send his property out of this State, or unless he shall refuse to give bond with security for the payment of his debt, to be approved by such magistrate, and in that case the said suit shall be proceeded in to execution, which execution may be levied, but the property so levied shall not be sold. Time of commencing suit.  
Exception.

*In the Senate House, the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO PROCURE RECRUITS AND PREVENT DESERTION.** No. 1151.

WHEREAS, the Congress of the United States have earnestly recommended to the several States to devise the most effectual ways and means for completing their quota of continental troops, and the necessity of complying with the said recommendation being evident to the Legislature, Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met in General Assembly, and by the authority of the same, That thirteen hundred men be forthwith raised to serve in the regiments of this State, in the continental service, for three years, or during the war. Raising troops.

II. And as an encouragement to those who are willing to serve their

A. D. 1763.

Bounty to enlisted soldiers.

country in the defence of her rights and liberties; *Be it further enacted*, by the authority aforesaid, That every ablebodied recruit between the age of sixteen and forty-five years, who shall enlist to serve for the term aforesaid, and shall be passed by one of the officers who shall be appointed by order of the continental General of this State to inspect recruits, shall be entitled to, and shall receive, for each and every year's service, the bounty of one sound negro between the age of ten years and forty, to be delivered to such recruit in manner following, viz. one at the time of his being passed as aforesaid, another at the commencement of the second year's service, and the third at the expiration of the third's year's service; and if any such recruit shall die, be killed, or maimed, after the commencement of the third year, he or his heirs shall nevertheless be entitled to receive the same bounty as if he had served out the said third year. Provided nevertheless, that if the said recruit shall desert, he shall forfeit to the use of this State the bounty which he is entitled to by virtue of this Act.

Bounty to those who procure recruits.

III. *And be it further enacted* by the authority aforesaid, That any person, and all persons, who shall procure within two months after the passing of this Act, twenty-five recruits, to enlist in the said service, shall be entitled to, and shall receive, on the said recruits being passed as aforesaid, (as a gratuity for his or their services,) one such negro between the ages above mentioned; and that every person, and all persons, who shall procure thirty-five recruits, to enlist within three months after the passing of this Act, shall also receive a gratuity of one such negro.

Paying bounty for recruits.

IV. *And be it further enacted* by the authority aforesaid, That the said negroes shall, from time to time, be delivered over to such persons and in such number and proportion as the Governor and Commander-in-chief, with the advice of the Privy Council, shall judge proper and most likely to promote the recruiting service; and the brigadiers, within one month after the passing of this Act, shall order the regiments of their respective brigades to be called out, and have this Act promulgated at the head of the said regiments, and use their best endeavors to advance the said service.

Examination of recruits.

V. *And be it further enacted* by the authority aforesaid, That all recruits raised by virtue of this Act, shall be carried before an officer to be appointed for receiving recruits, to pass muster, and shall be passed or rejected by such officer, according as he shall judge such recruit to come, or not to come, within the description of proper recruits; and that no sailor, or British or German deserter, be passed as a recruit.

Bounty to extend to certain soldiers already enlisted.

VI. And whereas, there are some soldiers in the South Carolina line who, though enlisted upon a small bounty, have steadily adhered to this country, and are now in actual service; and whereas, it is becoming the justice of this State to make provision for the said soldiers; *Be it therefore enacted*, by the authority aforesaid, That all the benefits which are intended by this Act to be given to such recruits as shall enlist in one of the continental regiments of this State, shall be extended to such soldiers as are above described.

Harboring deserters.

VII. *And be it also enacted* by the authority aforesaid, That if, after the passing of this Act, any free male person shall entertain, harbor, or conceal any deserter, knowing him to be such, and shall be thereof convicted before any three justices of the peace, (one of whom shall be of the quorum,) such person so thereof convicted, unless he shall be the father of such deserter, if above sixteen and under forty-five years of age, ablebodied and fit for service, shall, upon such conviction, be considered as an enlisted regular soldier for the term of three years, and shall be sent by the

said justices to some officer of the South Carolina line; and if any free male person convicted as aforesaid, shall be the father of such deserter, or above forty-five years of age, or unfit for service, he shall furnish an able-bodied recruit for the war, and deliver him to some officer appointed to receive recruits, within ten days after conviction, and in case of neglect shall be liable to pay three hundred Mexican dollars to the said justices for the use of this State, which said justices are hereby empowered and required to issue their warrant to any constable to levy the same; and if any female, the mistress of any family, shall entertain, harbor, or conceal, any deserter, knowing him to be such, and shall be convicted thereof as aforesaid, she shall furnish an able-bodied recruit as aforesaid, or be liable to the payment of the same penalty, to be levied as aforesaid; and if any person liable to such penalty for not procuring a recruit as aforesaid, shall be unable to pay the same, the justices aforesaid may commit such person for any time not exceeding six months, to the gaol of the district in which such person is a resident.

A. D. 1782.

VIII. *And be it enacted* by the authority aforesaid, That the Governor, by and with the advice and consent of the Privy Council, shall take the speediest and most effectual methods to provide necessary clothing for the non-commissioned officers and privates of the continental battalions, raised or to be raised by this State, and that he appoint a proper officer to distribute the same.

Governor to provide clothing for troops.

*In the Senate House, February 26, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

# **AN ACT TO EMPOWER THOMAS FERGUSON, MORTON WILKINSON, AND JOHN WARD, ESQs. TO PURCHASE AN ESTATE OF THE VALUE OF 10,000 GUINEAS, IN TRUST, AND FOR THE USE OF THE HONORABLE MAJOR GENERAL GREENE.**

No. 1162.

WHEREAS, the Legislature is desirous of giving to the honorable Major General Greene a suitable testimony of approbation and gratitude for the eminent services which he has rendered to this State:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That Thomas Ferguson, Morton Wilkinson, and John Ward, Esqs. be, and are hereby appointed, commissioners for purchasing, and they are hereby authorized and empowered forthwith to purchase in trust for the honorable Major General Nathaniel Greene and his heirs, an estate in this country to the value of ten thousand guineas.

Appointment of commissioners.

II. *And be it further enacted* by the authority aforesaid, That the faith of this State be, and it is hereby, pledged for the fulfilling of any contract which shall be made by the said commissioners, or a majority of them, for the payment of the purchase money of the said estate.

State responsible.

*In the Senate House, the 26th day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1782.

No. 1153. *AN ACT FOR DISPOSING OF CERTAIN ESTATES, AND BANISHING CERTAIN PERSONS, THEREIN MENTIONED.*

Preamble.

WHEREAS, the thirteen British colonies (now the United States of America,) were, by an Act of the Parliament of Great Britain, passed in or about the month of December, in the year of our Lord 1775, declared to be in rebellion, and out of the protection of the British Crown; and by the said Act not only the property of the colonists was declared subject to seizure and condemnation, but divers seizures and destruction of their property having been made after the 19th day of April, 1775, and before the passing of the said Act, such seizures and destruction were, by the said Act, declared to be lawful; and whereas, the good people of these States, having not only suffered great losses and damages by captures of their property on the sea, by the subjects of his Britannic Majesty, but by their seizing and carrying off much property taken on the land; in consequence of such proceedings of the British crown, and those acting under its authority, the honorable Congress of the United States, after due and mature consideration, authorized the seizing and condemnation of all property found on the sea, and belonging to the subjects of Great Britain, and recommended to the several States in which such subjects had property, to confiscate the same for public use; all political connexion between Great Britain and the United States having been dissolved by the separation of these States from that kingdom, and their declaring themselves free and independent of her; in pursuance of which recommendation most (if not all) have disposed of such property for the public use; and whereas, notwithstanding this State has forborne even to sequester the profits arising from the estates of British subjects, the enemy, in violation of the most solemn capitulations and public engagements, by which the property of individuals was secured to them, seized upon, sequestered, and applied to their own use, not only in several instances the profits of the estates, but in other instances the estates themselves, of the good citizens of this State, and have committed the most wanton and wilful waste of property, both real and personal, to a very considerable amount; and whereas, from a proclamation of Sir Henry Clinton, declaring that if any person should appear in arms in order to prevent the establishment of his Britannic Majesty's government in this country, such persons should be treated with the utmost severity, and their estate be immediately seized, in order to be confiscated; and whereas, from a letter of Lord Rawdon to Lieutenant Colonel Rugely, declaring that every militia man who did not use his utmost endeavors to apprehend deserters, should be punished in such manner as his lordship should think adequate to such offence, by whipping, imprisonment, or being sent to serve his Britannic Majesty in the West Indies; from the Earl Cornwallis's letter to Lieutenant Colonel Cruger, bearing date the 18th of August, 1780, declaring that he had given orders that all the inhabitants who had submitted, and who had taken part with their countrymen in the first action near Camden, (although such submission was an act of force or necessity,) should be punished with the greatest rigor, that they should be imprisoned, and their whole property taken from them or destroyed; and that he had ordered in the most positive manner, that every militia man who had borne arms on the part of his Britannic Majesty, and who had afterwards joined his fellow-citizens, (although he had been compelled to take up arms against them,) should be immediately

hanged; and ordering the said Lieutenant Colonel Cruger to obey these directions in the district in which he commanded, in the strictest manner; and from the general tenor of the enemy's conduct, in their wilful and wanton waste and destruction of property as aforesaid, committing to a cruel imprisonment, and even hanging, and otherwise putting to death in cold blood, and an ignominious manner, many good citizens who had surrendered as prisoners of war; it is evident that it was the fixed determination of the enemy, notwithstanding their professions to the contrary, to treat this State as a conquered country; and that the inhabitants were to expect the utmost severities, and to hold their lives, liberties, and properties, solely at the will of his Britannic Majesty's officers; and it is therefore inconsistent with public justice and policy, to afford protection any longer to the property of British subjects, and just and reasonable to apply the same towards alleviating and lessening the burdens and expenses of the war, which must otherwise fall very heavy on the distressed inhabitants of this State:

A. D. 1782.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That all the real estates, either in possession, reversion, or remainder, of the several persons whose names are mentioned in the list number one hereunto annexed, known to be subjects of his Britannic Majesty, shall be, and the same are herety, vested in five commissioners, to be chosen by ballot by the Senate and House of Representatives, and the survivors and survivor of them, and the heirs and assigns of such survivor; and they are hereby declared to be fully seized and possessed thereof, for such term as the said persons severally hold therein, in trust, and to and for the several uses, intents, and purposes hereinafter mentioned.

Real estates of No. 1, vested in five commissioners.

II. *And be it further enacted* by the authority aforesaid, That all the personal estates (debts excepted) of the persons named on the said list number one, shall be, and the same are hereby, vested in the said commissioners, and the survivors and survivor of them, his executors, administrators and assigns, who are hereby declared to be fully possessed thereof, for such term, or interest, as such persons have respectively therein, in trust, and for the uses, intents, and purposes hereinafter mentioned.

And personal estate.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall, as soon as may be, sell and dispose of the said estates, both real and personal, (except as hereinafter excepted,) at public auction, giving six weeks notice of the times and places of intended sales, on credit of five years; the purchase money to be paid in specie, with interest of seven per centum per annum, also payable in specie at the expiration of each year; and that they shall take bonds, with sufficient landed security in this State, for the said purchase moneys, which bonds and securities shall be taken in the name of the treasurers, in trust, for the use of the State, and delivered over by the said commissioners to the said treasurers.

Estates to be sold on 5 years credit.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, and the survivors and survivor of such majority, are and is hereby empowered and required to execute sufficient titles and conveyances, for vesting the estates and property which may be sold by the said commissioners, or a majority of them as aforesaid, in the persons who shall respectively purchase the same, their heirs, executors, administrators, and assigns, respectively, for the term for which they were sold.

Commissioners to execute titles.

V. And whereas, upon the dissolution of the connexion which formerly subsisted between Great Britain and the colonies, now the United States,

A. D. 1762.

Other real and  
personal es-  
tates vested in  
the commis-  
sioners.

of America, the General Assembly thinking it necessary to establish a test of fidelity, required that all persons who held commissions under the British government, or were suspected by the Governor and Council of holding principles inimical to the rights and liberties of America, should take an oath, professing their allegiance; and afterwards, by another Act of Assembly, it was enacted that all the inhabitants of this State who owned allegiance thereto, should take an oath professing such allegiance; and that upon such persons refusing to take the said oath, he should quit the State within a certain time, and never return thereto; and such person's return was declared to be a capital offence; and whereas, sundry persons who refused to take the said oath, have neglected to sell their estates, or have returned and acquired estates; *Be it therefore enacted*, That all the estates and property, both real and personal, of all persons, excepting those who were prevented from complying with the laws abovementioned by death, who have neglected to sell their estates, or who have returned since and acquired estates, shall be, and they are hereby, vested in the commissioners aforesaid, in the same manner and for the like uses and purposes, as the estates and property of the persons named on the said list number one; and that the said commissioners shall be vested with the same power relative to, and act in the same manner in every respect, touching the disposition of, the estates of the persons last above described, as of those first above mentioned.

And likewise  
others.

VI. And whereas, divers persons, inhabitants of, and owing allegiance to, this State, in the year of our Lord 1779, withdrew from their allegiance, and went over to, and took up arms with, the enemy, which offence, by an Act of the General Assembly, commonly called the sedition Act, passed on or about the sixth day of April, 1776, was declared to be a capital offence, and to work a forfeiture of life and estate; and although such persons were, by proclamations of his excellency the Governor and Commander-in-chief, summoned and required by name to surrender themselves to a magistrate, within forty days after the respective dates of those proclamations, in pursuance of an ordinance of the General Assembly, passed the 20th day of February, 1779, entitled, "An Ordinance to prevent persons withdrawing from the defence of this State, to join the enemies thereof, under the pains and penalties mentioned in the said Ordinance," which were outlawry of their persons and forfeiture of their estates; yet few or none of such persons did surrender themselves to a magistrate as required by the said proclamations; *Be it therefore enacted*, That all and singular the several matters and things herein before enacted, shall extend, and be construed to extend, to the estates and property, both real and personal, of the persons mentioned in the said proclamations; which estates shall be, and they are hereby, vested in the commissioners aforesaid, in the same manner, and for the like uses and purposes, as the estates and property of the persons named in the said list number one; and that the said commissioners shall be vested with the same power relative to, and act in the same manner in every respect touching the disposition of, the estates of the persons last above mentioned, as of those first above mentioned: Provided, that nothing herein contained shall extend, or be construed to extend, to such of those persons as have returned to their allegiance, and borne arms in the defence of this State, before the 27th day of September last, and have continued so to do, and shall give satisfactory proof to the said commissioners of their having done so.

VII. And whereas, some of the citizens of this State, whose names are mentioned in the list number two, did, immediately after the surrender of the garrison of Charlestown, withdraw themselves from the allegiance

which they owed to their country, and desirous of evincing their attachment to the king of Great Britain, congratulated Sir Henry Clinton and Mariot Arbuthnot, Esquire, on the reduction of that fortress; others, whose names are mentioned on list number three, and who also withdrew themselves from their allegiance, anxiously desirous of establishing the British government in this State, did request to be embodied, and to be permitted to serve as royal militia; others, whose names are mentioned on list number four, were so thoroughly attached to the British interest, and so lost to the feelings of humanity, and their duty to the State, as to congratulate the Earl Cornwallis on the success of his Britannic majesty's arms, and to glory in the blood of their countrymen, which had been shed by the hands of the enemies to the independence of America; and some, whose names are mentioned on list number five, still hold, or have held, commissions under his Britannic majesty, and are now with the enemy; all which offences, by the said sedition Act, are declared to be capital: And whereas, the peace and safety of this State require that proper examples should be made of such atrocious offenders, who have hitherto shewn themselves incapable of reformation; *Be it therefore enacted* by the authority aforesaid, That all and singular the several matters and things hereinbefore enacted, shall extend, and be construed to extend, to the estates and property, both real and personal, of the persons mentioned in the said lists number two, three, four and five; which estates shall be, and they are hereby, vested in the commissioners aforesaid, in the same manner, and for the like uses and purposes, as the estates and property of the persons named on the said list numbered one; and that the said commissioners shall be vested with the same power relative to, and act in the same manner in every respect touching the disposition of, the estates of the persons last above mentioned, as of those first above mentioned.

A. D. 1782.

And also such persons' estates, real and personal, of No. 2, 3, 4 and 5.

VIII. And whereas, the persons mentioned on the list number six, have not only voluntarily avowed their allegiance to his Britannic majesty, but by the general tenor of their conduct manifested their attachment to the British government, and proved themselves inveterate enemies of this State; *Be it therefore enacted* by the authority aforesaid, That all and singular the several matters and things hereinbefore enacted, shall extend, and be construed to extend, to the estates and property, both real and personal, of the persons mentioned in the said list number six; which estates shall be, and they are hereby, vested in the commissioners aforesaid, in the same manner, and for the like uses and purposes, as the estates and property of the persons named on the said list number one; and that the said commissioners shall be vested with the same power relative to, and act in the same manner in every respect touching the disposition of, the estates of the persons last above described, as of those first above mentioned.

And of No. 6.

IX. And although the lives as well as the fortunes of the persons mentioned on the said lists number two, three, four and five, are by law forfeited for the offences aforesaid; yet in order to avoid, if possible, sanguinary measures, and to extend to those persons as much mercy as may be consistent with justice to the public, *Be it further enacted* by the authority aforesaid, That instead of inflicting capital punishment on such persons, they shall be, and they are hereby declared to be, forever banished from this State; and if any of the said persons shall remain in this State forty days next after the passing of this Act, or shall return to this State, the Governor or Commander-in-chief, for the time being, is hereby authorized and required to cause the person so remaining in or returning to this State, to be apprehended and committed to jail, there to remain,

Persons banished.

A. D. 1782.

without bail or mainprize, until a convenient opportunity shall offer of transporting the said person or persons from this State, to some part of his Britannic majesty's dominions, which the Governor or Commander-in-chief for the time being, is hereby required to do; and if any of the said persons shall return into this State, after such transportation, then, and in such case, he or they shall be adjudged, and they are hereby declared to be, guilty of felony, and shall, upon conviction of the offence of having returned as aforesaid, suffer death, without benefit of clergy.

Provision to be made for their families.

X. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall and may, on the credit of the estates hereby directed to be sold, make such provision for the temporary support of such of the families of the persons mentioned on the lists number two, three, four, five and six, as shall appear to the said commissioners, or a majority of them, necessary, until the said commissioners shall render a full account of the sales hereby directed to be made, which they shall do at the next meeting of the General Assembly; and the legislature can thereupon judge what final provision shall be made for the said families.

Slaves to be set aside for the use of the army.

XI. *And be it further enacted* by the authority aforesaid, That the said commissioners, before they proceed to sell any slaves or other personal property belonging to any persons mentioned in the said lists, shall set apart a sufficient number of slaves to raise the quota of continental troops required of this State, and to pay such State troops as have bounties due to them, and four hundred and forty of the male slaves belonging to such persons, which shall be fit and proper for the use of the continental army, as pioneers, waggon drivers, artificers and officers' servants, in such proportion of each of those classes as the Governor, with the advice of the Privy Council, shall require; which slaves shall be employed in those several occupations, so long as they shall be wanted for the public service; and also such horses, cattle, waggons and provisions, as shall be wanted for the use of the army.

Property held by these persons, between July 4th, 1776, and May 12, 1780, deemed still theirs.

XII. *And be it further enacted* by the authority aforesaid, That all real and personal property, of which the persons named in the said lists were possessed, either by themselves or agents, on the fourth of July, 1776, or at any time between that day and the twelfth of May, 1780, shall be deemed and held to be still theirs; unless the same was really and bona fide sold and conveyed, for valuable consideration of money paid, or secured to be paid, and actual possession given to the purchasers, before the said twelfth of May, without any secret trust or condition, and not with a view of eluding a forfeiture; and that all real and personal property which the said persons have acquired since the said twelfth of May, 1780, shall be deemed and held to be still theirs. That all grants, devises, sales, and conveyances, made by any of the said persons, between the said fourth of July and twelfth of May, except as aforesaid, or after the said twelfth of May, for any consideration whatsoever, shall be, and they are hereby declared to be, fraudulent and *ipso facto* null and void, to all intents and purposes; and the estate or property thereby granted, devised, sold or conveyed, shall be considered as hereby vested in the said commissioners, for the uses aforesaid.

Also all property acquired since.

Oath of the commissioners.

XIII. *And be it further enacted* by the authority aforesaid, That before any of the said commissioners shall act as such, he shall take the following oath, to wit, "I, A. B. do swear, that as a commissioner under the Act for seizing and confiscating the property of persons mentioned in an Act entitled "An Act for disposing of certain estates, and banishing the persons therein mentioned," will, to the best of my skill and judgment, execute

the trust reposed in me, and the duties of my office, diligently, impartially and faithfully : So help me God." A. D. 1782.

XIV. *And be it further enacted* by the authority aforesaid, That for the more expeditious and extensive improvement of the soil, the general convenience and accommodation of the most fixed and useful purchasers, to increase as much as may be the number of white inhabitants, and to prevent the increase of the number of large and dangerous monopolizers of land, the commissioners appointed to execute this Act are hereby required and directed to divide all the lands and plantations confiscated thereby, into tracts, containing from two hundred to five hundred acres each tract, and that no one tract shall exceed five hundred acres at most, where it can be done without great and manifest prejudice to the sale, when weighed and considered by the said commissioners together with all the other important circumstances just mentioned in the former part of this clause. Lands to be divided, and sold in small tracts.

XV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall and may appoint such a number of clerks as they shall judge necessary, which clerks shall keep regular inventories of the said estates, and make true entries of all their proceedings, and, before they act as clerks, shall take an oath diligently and truly to execute the said office ; and that the said commissioners shall be allowed a commission of one per cent. on the nett proceeds of the said estates, to be equally divided amongst them, in lieu of all demands against the public. Commissioners may appoint clerks.

XVI. *And be it further enacted* by the authority aforesaid, That the expense which may be incurred for surveying and laying off the lands hereby confiscated, into different tracts, shall be paid or reimbursed by the persons who shall purchase any of the said lands, at the time of purchasing the same. Expense of surveys, &c. to be paid by purchasers.

XVII. *And be it further enacted* by the authority aforesaid, That all persons, subjects of this or any of the United States, and friends to the freedom and independence thereof, who have demands against any of the persons mentioned in the said lists number two, three, four, five and six, shall lay a state and proofs of the said demands before the said commissioners, on or before the twentieth day of February next ; and the said commissioners are hereby empowered and required to examine into the justice and validity of the said demands, and make report thereof to the General Assembly, at their next meeting, after the said twentieth of February, to the end, that the legislature may direct with respect to such creditors what to justice shall appertain ; and if the said legislature shall not liquidate the said demands agreeable to the claimant, such claimants shall have an action against the said commissioners, and the amount sales of the estates of the persons mentioned in this Act, shall be respectively liable to satisfy the said demands, and all other creditors, except those above mentioned ; and those, in case they shall neglect or refuse to make their demands within the time aforesaid, shall be, and they are hereby, barred from any claim on the State, on account of their said demands. Persons must deliver in their demands on such estates, by 20th Feb. next.

XVIII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall remove, aid or assist in the removal of, any of the property hereby confiscated, or shall conceal the same, with intent to defraud the public, every such person or persons shall be, and they are hereby declared to be, guilty of felony, and shall, on conviction, suffer death, without benefit of clergy. Felony to remove any of the property.

XIX. *And be it enacted* by the authority aforesaid, That each of the said commissioners shall forthwith, and before entering on the execution of their office, give security, to be approved by the Governor and Com- Commissioners to give security in £10,000.

A. D. 1782.

mander-in-chief, with the advice and consent of the Privy Council, in the sum of ten thousand pounds sterling, for the due and faithful execution of the said office; and on failure so to do, the Governor and Commander-in-chief, with the advice and consent of the Privy Council, shall appoint some other fit and proper person or persons, in the room or stead of the person or persons failing to give such security, who shall have all the powers and authorities, and do and execute the several matters and things, which are hereby granted or required of the person or persons so failing to give such security.

Commissioners  
may demand  
plats of the  
owners of ad-  
jacent lots.

XX. *And be it further enacted* by the authority aforesaid, That in case it shall be necessary, on surveying of the lands hereby directed to be sold, to have a sight of the plats of the adjacent lands, the owners of the said adjacent lands shall, on demand by the said commissioners, or a majority of them, produce the said plats, and deliver copies of them to the said commissioners, for the better ascertaining the exact boundaries between the said lands and those hereby directed to be sold, or shall testify, upon oath or affirmation, that they neither have or can obtain the plats required by the said commissioners; and in default of their so doing, the said commissioners shall cause the said lands, hereby directed to be sold, to be surveyed, and plats thereof made, according to the best information which they can procure touching the same; in which case the plats so made shall be deemed conclusive against the claims of the owners of the said adjacent lands.

Slaves to be  
sold for specie.

XXI. And whereas, a sum of money in specie may be necessary for the service of the State; *Be it therefore enacted* by the authority aforesaid, That the Governor or Commander-in-chief shall direct so many of the slaves hereby confiscated to be sold, in such place or places, in or out of this State, for ready money, as he, with the advice and consent of the Privy Council, may think requisite and necessary for the service of the State, (not exceeding in the whole one hundred and fifty slaves); any thing heretofore contained to the contrary hereof in any wise notwithstanding.

Negroes shall  
be sold in  
families.

XXII. *And be it further enacted* by the authority aforesaid, That in all the sales of negroes, directed by this Act, the parents shall not be separated from their children, but that the said slaves shall be sold in families.

The State to  
warrant pur-  
chases.

XXIII. *And be it further enacted* by the authority aforesaid, That this State will warrant and forever defend the estates and property which may be sold by the said commissioners, or a majority of them, as aforesaid, to the persons who shall respectively purchase the same, and to their heirs, executors, administrators and assigns, for the term for which the same shall be sold, against every person whomsoever.

Inventories,  
&c. to be deliv-  
ered to the  
treasurers.

XXIV. *And be it further enacted* by the authority aforesaid, That the commissioners shall, from time to time, at least once in every month, deliver to the treasurers all such inventories, with the appraisement of the different estates, and all such account sales as may be finished, together with the bonds for the same.

This a public  
Act.

XXV. *And be it further enacted* by the authority aforesaid, That this shall be deemed a public Act, and judicially taken notice of as such, and that the same shall be construed liberally, and in the most beneficial manner for the interest of the State, and for carrying the intent and purview of the Act fully and effectually into execution. And if the said commissioners, or any of them, or any person acting by their authority, shall be sued or impleaded for any matter or thing done by virtue hereof, they or he may plead the general issue, and give this Act and the special matter in evidence; and on verdict or judgment against the plaintiff, or discon-

tinuance or non-suit, the person or persons so sued shall recover treble costs of suit. A. D. 1782.

*In the Senate House, the twenty-sixth day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

The lists appended to this Act are omitted by the present editor.

AN ACT for the regulation of the Militia.

No. 1154.

(Passed February 26, 1782. *See last volume.*)

AN ACT FOR AMERCING CERTAIN PERSONS THEREIN MENTIONED.

No. 1155.

WHEREAS, many persons, inhabitants of, and owing allegiance to, this State, (some bearing high and important trusts or commissions,) have withdrawn themselves from the defence thereof, accepted protection from the officers commanding his Britannic Majesty's forces, now carrying on a cruel and destructive war within this State, and are either within the lines of the enemy, or have omitted to surrender and enrol themselves and perform the duties to their country pointed out and required by the proclamation of his excellency the Governor, dated the twenty-seventh day of September last past, in utter neglect and contempt of the executive authority of the said State, and to the evil example of society. And whereas, there are others who, forgetting all the social ties of kindred, the feelings of humanity, and regardless of the duty and allegiance they had most solemnly sworn to their country, did actually subscribe and pay by themselves or agents, considerable sums of money towards mounting and equipping a troop or troops of cavalry, or other military force, for the service of his Britannic Majesty, to act against their fellow-citizens, and the independence and freedom of this State; and whereas, it is but just and reasonable that the estates of such persons, both real and personal, should be amerced, and that a due discrimination should be made:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, in General Assembly met, and by the authority of the same, That the commissioners appointed for carrying into execution an Act entitled "An Act for disposing of certain estates, and banishing certain persons therein named," shall, within four months after the passing of this Act, or as soon as may be thereafter, cause a full and true inventory and account to be taken of all such real and personal estates of the persons mentioned in the list or schedule hereunto annexed, as they can come at, or gain the possession of, and cause the same to be appraised on oath by three freeholders, to be appointed by the said commissioners, or a majority of them; and levy and take thereout the amercement hereinafter mentioned, as near as may be, that is to say, twelve per cent. on the

Amercing of estates.

A. D. 1782.



true and equitable value of all such estate of the persons mentioned in the said list or schedule, for the use and service of this State.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall in like manner cause an inventory and appraisement to be made and taken of the real and personal estates of all such persons, late inhabitants of, and owing allegiance to, this State, as it shall manifestly appear, that is to say, by confession of such person, or by the oath of any one or more credible witnesses to be taken and sworn before any judge or justice in any court of record in this State, have directly or indirectly by themselves or agents, subscribed or paid any sum or sums of money towards mounting, arming, or equipping, any troop or troops of cavalry, or other military force, for the service of his Britanic Majesty, to act against this State, or against any other of the United States of America; and shall cause to be taken and levied thirty per cent. on the real and equitable value of such estate, for the use and service of this State.

Commissioners  
to have power  
to sell estates.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have full power and authority, where it may be necessary, to sell at public sale, after a notice of six weeks, and convey to such persons as are willing to become purchasers of the same, any part or parts of the estates, real and personal, directed to be appraised and valued by virtue of this Act, as shall be sufficient to make up the amount of the amercement on such real and equitable value of the said real and personal estates respectively; and give such reasonable credit to the purchaser or purchasers, who shall give bond and approved security, payable with interest, as they may find necessary, not exceeding three years for the said real estate, and not exceeding two years for the said personal estate; and shall make out and deliver to the commissioners of the treasury of this State fair copies of all such inventories and appraisements, and also an account sales of such real and personal estates, and also all such moneys, or bonds and securities for moneys, that they may receive for the same, at least once in every three months after such appraisements and sales shall take place respectively.

Property held  
27th Sep. 1781,  
liable.

IV. *And be it further enacted* by the authority aforesaid, That all such estates, real and personal, as the said several persons mentioned in the said list or schedule hereunto annexed, or who now are, or may become subjects of this Act, were possessed of, or entitled to, on the twenty-seventh day of September last past, shall be held and taken by the said commissioners to be still the property of such persons respectively, so as to warrant and entitle such commissioners to levy and take the said several and respective amercements directed to be made and levied by virtue of this Act; and that the same pains and penalties shall be extended, and be construed to extend, to all such persons who shall embezzle, conceal, or remove, or attempt to embezzle, conceal, or remove, any part or parcel of such estates, real and personal, respectively directed to be amerced by virtue of this Act, as are extended to such persons as may embezzle, conceal, or remove, or attempt to embezzle, conceal, or remove, any part or parts of the estates, real or personal, confiscated and taken under and by virtue of an Act for disposing of certain estates and banishing certain persons therein mentioned.

Penalty for em-  
bezzling.

Disposal of  
amercements.

V. *And be it further enacted* by the authority aforesaid, That the several amercements and levies to be made by the said commissioners, and the survivors of them, by virtue of this Act, shall be, and they are hereby declared to be, fully and absolutely vested in the said commissioners, and the survivors and survivor of them, and the executors and administrators of such survivor, subject to the same uses and trust as the several estates confiscated and disposed of by the said recited Act; and shall be, and are

hereby directed to be, applied to the several uses and services appointed and directed by the same; and the said commissioners shall be allowed one-half per cent. on the sums levied by virtue of this Act. A. D. 1782.

VI. *And be it further enacted* by the authority aforesaid, That this State will warrant and defend to the purchaser or purchasers, their representatives or assigns, for such term or time as the same may be sold for, all such real and personal estates levied and taken by virtue of this Act, as it may be necessary to sell and dispose of under the uses and trusts declared of and concerning property confiscated and seized under and by virtue of the said recited Act. State will defend purchasers.

VII. *And be it further enacted* by the authority aforesaid, That this shall be considered as a public Act, and judicially taken and received as such; and that if the said commissioners, or any of them, or any person acting under their authority, shall be sued or impleaded for any thing done by virtue hereof, it shall and may be lawful for all such persons to plead the general issue, and give the special matter and this Act in evidence on any trial to be had; and that if the plaintiff shall suffer a verdict against him, or discontinue his suit, or in any other manner become nonsuit, that in either of the said recited cases the defendant shall recover treble costs, to be taxed by the court against such plaintiff or plaintiffs. Lawful to plead the general issue.

*In the Senate House, the 26th day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

(List of names omitted.)

**AN ACT FOR FURNISHING SUPPLIES TO THE ARMY, TO THE VALUE OF No. 1156.**  
373,598 MEXICAN DOLLARS, BEING THE QUOTA ASSIGNED TO THIS STATE  
OF THE CONTINENTAL ESTIMATE FOR THE PRESENT YEAR.

WHEREAS, the honorable the Congress of the United States have assigned three hundred and seventy-three thousand five hundred and ninety-eight Mexican dollars, as the quota of this State, of eight millions of dollars, being the amount of the Continental estimate for the year one thousand seven hundred and eighty-two; and, in consideration of the present scarcity of specie in this State, the superintendent of finances hath proposed that supplies for the army should be furnished, instead of money, to that amount; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That the faith of this State shall be, and is hereby, pledged for procuring and furnishing supplies to the army, in the course of the present year, to the value of the said sum, including what have been furnished since the first day of January last. The amount of the said sum to be furnished in supplies for the army.

II. *And be it further enacted* by the authority aforesaid, That a sufficient number of fit and proper persons shall be, from time to time, appointed, by the Governor and Commander-in-chief, with the advice and consent of the Privy Council, in different parts of the State, as agents or commissioners to procure those supplies. Commissioners to be appointed.

A. D. 1782.

Duty of the commissioners.

III. *And be it further enacted* by the authority aforesaid, That no other persons than those who shall be appointed by the Governor for that purpose, as aforesaid, shall be allowed or permitted to procure supplies for the army; and that the said commissioners shall obtain those supplies on such terms as may be reasonable between the public and individuals, and in the manner most equal and least burdensome to the people.

To keep a regular account of their transactions, give certificates, &amp;c.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall keep a regular account of the supplies by them procured and furnished to the army; that they shall give the persons, from whom the said supplies shall be obtained, certificates, specifying the quantity and price of the said articles; that the said commissioners shall deliver the said supplies to the proper officers in the staff department, taking their receipts for the same, and make monthly returns of their accounts and transactions, to the Governor and Commander-in-chief.

Vouchers to be produced to the Governor for supplies furnished.

V. *And be it further enacted* by the authority aforesaid, That if any persons who have furnished supplies to the army since the first day of January last, shall produce sufficient vouchers for such supplies, to the Governor and Commander-in-chief, within three months next after the passing of this Act, he shall and may, with the advice and consent of the Privy Council, order the commissioners for the parish or district in which such persons reside, to receive from them the certificates or receipts which they may have for such supplies from the proper officer in the staff department, and give such persons, in lieu thereof, a certificate for the value of the said supplies.

Appropriation of monies received from sale of estates.

VI. *And be it further enacted* by the authority aforesaid, That the money and securities for money which may be obtained from sale of such estates as are confiscated, and shall be sold by virtue of an Act entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned," shall be, and the same are hereby pledged as a fund for redeeming and sinking the said certificates, or the notes which may be issued by the receiver of the Continental taxes in this State, for procuring the said supplies.

Salaries of persons employed.

VII. *And be it further enacted* by the authority aforesaid, That the Governor and Commander-in-chief, with the advice of the Privy Council, be, and he is hereby, empowered to give such a salary as may be thought requisite for the services of such persons who shall be employed by virtue of this Act.

*In the Senate House, the 26th day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1157. *AN ACT* FOR PARDONING THE PERSONS THEREIN DESCRIBED, ON THE CONDITIONS THEREIN MENTIONED.

Preamble.

WHEREAS, many persons, inhabitants of and owing allegiance to this State, some of them having signed congratulatory addresses to Sir Henry Clinton and Mariott Arbuthnot, Esq., and to the Earl Cornwallis, on the success of his Britannic Majesty's arms in this country, and others having borne commissions under the British government, are excepted

by the Governor's proclamation, bearing date on or about the twenty-seventh day of September last, from pardon for those offences; and whereas, some of the said persons have surrendered to the justice and submitted themselves to the mercy of their country; and whereas, many persons who would have been entitled to the benefits of the said proclamation had they returned to their allegiance before the expiration of the time limited for the same, did neglect to surrender themselves, but have, since the seventeenth day of December, withdrawn from the enemy and borne arms in defence of this State; and the Legislature, moved with compassion, are willing to grant them pardon on conditions which may in some degree atone for those offences;

A. D. 1782.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, in General Assembly met, and by the authority of the same, That each of the said persons shall, on or before the first day of May next, render a just and true account, on oath, of all and singular his estate, real and personal, (including the debts due or owing to him,) to the commissioners appointed for carrying into execution the Act entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned;" and that the said commissioners shall cause the said estates to be valued by three indifferent freeholders, on oath; and in case the said persons shall not make such a return of their estates, within the time abovementioned, the said commissioners shall estimate the value of the estates of such of those persons as shall fail to make such return, according to the best of their judgment and the information they can obtain touching the same, and shall cause written or printed notice of such valuation to be given and set up at the seat of government, for twenty-one days; and that the said persons shall, within four months next after the passing of this Act, respectively, pay to the said commissioners, or give satisfactory security for payment to the treasurers, for the use of this State, within six months, of ten per cent. on the said valuation of their estates, or deliver to the said commissioners such a number of slaves as shall, by appraisement, on oath, of three freeholders, to be appointed by the said commissioners, be adjudged equal in value to the said valuation of ten per cent. on the said estates; and that the said slaves shall be vested in the said commissioners, in trust for this State, and be disposed of by them in such manner, on such terms and conditions, and for such uses and purposes, as are directed by the Act abovementioned.

Persons taking the benefit of this Act, to give in an account of all their property to the commissioners.

And pay ten per cent. on the value of the same.

II. *And be it further enacted* by the authority aforesaid, That on any of the said persons failing to pay such valuation, give security for the same, or deliver the said slaves, as aforesaid, the said commissioners, or a majority of them, shall forthwith cause so much of the said person's estates, either real or personal, as will be sufficient to raise the said sum, to be sold, in the manner, on the terms and conditions, and for the uses aforesaid.

Neglect or refusal to make such returns.

III. *And be it further enacted* by the authority aforesaid, That the several brigadiers of militia shall, within two months next after the passing of this Act, transmit to the Governor and Commander-in-chief the names of all such persons as are the objects of this Act, to the end that they may transmit the same to the said commissioners, that they may thereby be informed what persons come under the description of this Act.

Brigadiers of militia to furnish lists of the persons entitled to the benefit of this Act.

IV. *And be it further enacted* by the authority aforesaid, That this State will warrant and for ever defend such estates and property as shall be sold by virtue of this Act, to the purchasers thereof, their heirs, executors, administrators and assigns, respectively, for the term for which the said estates shall be sold.

Titles to the estates sold, warranted.

A. D. 1782.

Persons having  
no estates, to  
serve in the  
militia for nine  
months.

A full pardon  
granted to the  
said persons.

Proviso.

Commissioners  
allowed 1-4th  
per cent.

V. *And be it further enacted* by the authority aforesaid, That if any of the said persons who shall have borne arms with the enemy, shall not possess any estate in this State, but are now doing militia duty, and shall continue to complete the period of nine months from the time of their beginning to do such duty, all such persons shall be entitled to the benefit of this Act.

VI. *And be it further enacted* by the authority aforesaid, That a full pardon shall be, and the same is hereby, granted to the said persons and each of them, for the offences by them committed as aforesaid; provided, that nothing herein contained shall extend, or be construed to extend, to any persons who are or may be accused of counterfeiting money, plundering, robbery, house-burning, house-breaking, or murder; but that all such persons shall and may be subject to trial, condemnation and execution, for the said offences, in the same manner as if this Act had never been made.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners before mentioned shall be entitled to receive one fourth per cent. from the amount of the said valuation of ten per cent. on the estates of all persons described in this Act.

VIII. *And be it further enacted* by the authority aforesaid, That all such persons as have borne arms with the enemy, and have come out since the seventeenth of December, who have no estate, are bound over to the next sessions, and shall do nine months militia duty, or enlist in the Continental service, such persons shall be entitled to all the benefits of this Act.

*In the Senate House, the twenty-sixth day of February, 1782.*

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1158. AN ORDINANCE for repealing an Act of the General Assembly of this State, commonly called the Admiralty Act; and for empowering the Court of Admiralty of this State to proceed to a final sentence and decree in all cases, in the said court, without the intervention of a jury.

(Passed Feb. 26, 1782. See last volume.)

No. 1159. AN ACT FOR RAISING AND PAYING INTO THE PUBLIC TREASURY OF THIS STATE THE TAX THEREIN MENTIONED, FOR THE USE AND SERVICE THEREOF.

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised and paid into the public treasury of this State, for the use and service thereof;

I. *Be it therefore enacted and declared*, by the honorable the Senate and the House of Representatives of the State of South Carolina, and by the authority of the same, That the sum of four shillings and eight pence sterling, or one dollar, per head, shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of four shillings and eight pence sterling, or one dollar, per hundred acres, on all lands throughout the said State, town lots excepted, and except the property of any lands now belonging to any free Indians, in amity with this State; and a sum of half per cent. on every hundred pounds value of every such lot, wharf and building, and other lands within the limits of any town, village or borough in this State, (the bounds of Charlestown to extend from Ashley river to Cooper river, on a direct line with the north side of Boundary street); and the sum of four shillings and eight pence sterling, or one dollar, upon each wheel of every carriage, except waggons, carts and drays; and the sum of four shillings and eight pence sterling, or one dollar, per head, on all free negroes, mulattoes and mustizoes, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of half per cent. on every hundred pounds on every person's stock in trade, of persons in trade, shopkeepers and others; and the like sum of half per cent. on the profits of all faculties and professions, (the clergy excepted,) factorage, employments and handicraft trades, throughout this State; to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information. Provided, that nothing herein contained shall be extended to oblige the new settlers in any part of this State to the payment of any part of the said tax, for their lands granted to them by bounty, who shall make oath before the collector of the tax in the respective parish or district where such new settler resides, that he settled himself in this State upon the encouragement given thereby, and hath not resided ten years therein; but such new settlers shall pay tax for their slaves and other taxable property, as other inhabitants do. Provided nevertheless, that all minors whose fathers and all widows whose husbands have lost their lives, and those persons who have been maimed or disabled, so as to prevent their getting their livelihood by their former trade or profession, for their attachment to the interest of their country, shall be exempted from the payment of the taxes hereby imposed, where the value of their estates do not exceed one thousand pounds sterling.

A. D. 1783.

Rate of  
taxation.Persons  
exempted.

II. *And be it also enacted* by the authority aforesaid, That all male persons holding estates in this State, who are absent from the United States, shall be doubly taxed, that is to say, that the sum of nine shillings and four pence sterling, or two dollars, per head, shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of nine shillings and four pence, or two dollars, per hundred acres, on all lands throughout the State, town lots excepted; and the sum of one per cent. for every hundred pounds on the value of every such town lot, wharf and building, and other lands within the limits of any town, village or borough in this State, belonging to such person or persons, to be ascertained and rated by the several and respective assessors and collectors hereafter named, according to the best of their knowledge and information; except minors, and those not yet twenty-two years old, who shall be allowed one year after they come of age to return to this State; and except those who are absent on the service of the United States or of this State, or are absent with leave of either branch of the legislative or executive authority of this State, for any time not exceeding one year; and except those who may have been captured or detained by the enemy.

Absentees  
doubly taxed.

Exceptions.

A. D. 1783.

Taxables to  
render an ac-  
count of their  
property, on  
oath.

Form of the  
oath.

Executions to  
issue against  
persons for not  
paying taxes.

Attornies and  
trustees of ab-  
sent persons,  
liable for the  
taxes assessed  
on the property  
of such absent-  
ees.

III. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, carriages, (waggons, carts and drays excepted,) lands whereon any churches or other buildings for divine worship or free schools are erected or built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted, either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this Act, shall, on or before the first day of May, which will be in the year of our Lord one thousand seven hundred and eighty-three, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively where the person who is to render such account does live and reside, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the first day of May, which will be in the year of our Lord one thousand seven hundred and eighty-three; which oath or affirmation shall be in the words following, viz. "I, A. B., do swear, or affirm, (as the case shall be,) that the account which I now give in is a just and true account of all the lands, slaves and riding carriages which I am possessed of, interested in, or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge or belief, and this I declare without any equivocation or mental reservation: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby duly authorized, enjoined and required, to administer.

IV. *And be it also enacted* by the authority aforesaid, That all and every person whatsoever shall be obliged to make return of his or her lands and slaves in the country, to the inquirers and collectors for the parish or district respectively where such person lives or resides for the greatest part of the year, and pay taxes thereon to the said inquirers and collectors; and the inquirers and collectors of all and every the parishes and districts respectively shall be, and they are hereby, authorized, impowered and required, to issue executions against all and every person or persons, in their respective districts, who have not paid their just proportion of the preceding tax.

V. And whereas, there are divers tracts of lands, and slaves, in this State, held, owned or claimed by persons not resident here, who pay no tax or other charges towards the support of the government of this State; *Be it therefore enacted* by the authority aforesaid, That all attorneys and trustees of or for any person or persons living without the limits of this State, shall make due and true returns to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides, as aforesaid, of all lands and slaves belonging to such absent persons for whom they are attorneys or trustees, and shall send a copy of such return, certified by the assessors and collectors, to the assessors and collectors for the parishes or districts where such lands lie; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, or which are due by virtue of any former tax Acts, for such lands and slaves, out of his or their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied; unless such attorney shall make oath, before the collectors respectively, that he hath bona fide renounced his power

and attorneyship, before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax; provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing hereinbefore contained to the contrary notwithstanding; and for levying whereof the same remedy shall be, and is hereby given, as for levying the tax to become due by virtue of this Act, on the proper estates of such attorney or trustee. And the inquirers and collectors of the several parishes and districts respectively, where any lands lie which are held or owned by any person or persons not resident in this State, whether they have attorneys or not, or where they have received no certificate of the said land being returned in any other parish, as aforesaid, or the commissioners of the treasury for the time being, shall be, and they are, and he is, hereby authorized and empowered, directed and required, to sell and dispose of any timber, lightwood or any other wood, thereon standing, growing or being, to the amount or value of the tax such lands are liable to pay by virtue of this or any other tax Act, or, after six months notice given in the Gazette for that purpose, to let to farm all or any part or parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax, and the tax to be imposed on such lands during the said term, at the election of such inquirers or collectors, or the commissioners of the treasury, unless any person shall tender and pay the tax money for such lands, before such leases are made; and all and every such sale of such timber, lightwood or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary in any wise notwithstanding.

A. D. 1783.

Proviso.

Inquirers and collectors may lease land, sell timber, &c. for taxes unpaid.

VI. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors appointed by this Act, then and in such case the inquirers, assessors or collectors, shall be, and they are hereby, authorized and required to charge the said lands for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably and proportionably, according to the quantity of acres, as if the same were in the actual possession of some person or persons living and residing in this State, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to this State, and shall be deemed and taken as vacant land; any law, usage or custom, to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend to prejudice the rights of infants or feme covert, who shall be entitled to their lands upon claiming the same, within two years after they come of age, or become discoverers, upon their paying and discharging all taxes and arrears of taxes that shall or may be

Lands of absent owners, for which taxes are not paid in two years, declared forfeit.

Proviso.

A. D. 1783.

due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

Inquirers and  
collectors  
appointed.

VII. *And be it also enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers and collectors for the several parishes and districts hereinafter mentioned, viz. For the parish of Christ Church, Paul Murrell and Peter Croft; for the parish of St. James, Goose Creek, James Stevenson and Alexander Mazyck; for the parish of St. John, Berkley county, Thomas Broughton and Henry Ravenel, Jr.; for the parish of St. George, Dorchester, John Glaze and Walter Izard; for the parish of St. Thomas and St. Dennis, James Fogartie and John Ashby; for the parish of St. Andrew, James Island excepted, Thomas Farr and Thomas O. Elliott; for that part of the parish called James Island, Archibald Scott and Solomon Miller; for the parish of St. John, Colleton county, viz. for John's Island, Captain James Witter; for Wadmelaw Island, Thomas Hext; for Edisto Island, Daniel Jenkins; for the parish of St. Paul, viz. for Stono and the east side of Pon-pon, Thomas Osborne; for Beech Hill and Horse Savannah, in the said parish, Melchor Garner and William Mell; for the parish of St. Bartholomew, Charles Glover and Benjamin Postell; for the upper district of St. Bartholomew, viz. the northwest of Black Creek and the main waters of the Great Swamp, directly across to Pon-pon river, John Ward and Richard Singleton; for Combahée and Chehaw, in the said parish, John Cato Fields and John Stocks; for the parish of St. James, Santee, Jonah Collins and Thomas Boone; for the parish of St. Stephen, Peter Porcher and Benjamin Walker; for the parish of Prince George, Winyaw, John Warden, Francis Greaves, and John Cogdell; for parish of All Saints, William Allston, (son of Joseph,) and Edward Mitchell; for the parish of St. David, Robert Lide and Thomas Lide; for the parish of Prince Frederick, John McCauly and Robert Baxter; for the parish of St. Matthew, including Orangeburgh, Malcolm Clerk and Philip Frierson; for the parish of Orange, Lewis Golson and William Hill; for the parish of St. Helena, Port Royal, William Hazard Wigg and Benjamin Reynolds; for the parish of St. Peter, Purrysburgh, Colonel William Stafford and Thomas Cater; for the parish of Prince William, John McPherson and John Fenwick; for the district to the eastward of the Wateree, James Davis, William Morrell, John Faber, John Chesnut, George Wade, Frederick Kimball and Roger Wilson; for the district of Ninety-Six, Patrick Calhoun, Major Andrew Hamilton, John Gray, Henry Gindrat and Jacob Smith; for the district of Saxe Gotha, Daniel Tateman and William Arthur; for the district between Broad and Saluda rivers, in three divisions, viz. the lower district, William Wadleton, Michael Leitner, George Strother and William Malone; the Little river district, Robert Hanna and Charles Saxon; the upper district, Simon Berwick and Charles Simms; for the district between Broad and Catawba rivers, Philip Pearson, William Boyd, James Taylor, William Meyers, John McCilahan and George Gill; for the district called the New Acquisition, Joseph Palmer and Joseph How; for the district between Savannah and the north fork of Edisto, William Dunbar, Richard Kirkland and John Jennings, Jr.

Inquirers, &c.  
for St. Philip &  
St. Michael.

VIII. *And be it also enacted* by the authority aforesaid, That Florian Charles Fay, John Edwards, John Ernest Poyas, John Calvert, James Nelson, John Owen, and John Webb, be, and they are hereby, appointed inquirers, assessors, and collectors, for the parishes of St. Philip and St. Michael.

IX. *And be it also enacted* by the authority aforesaid, That all persons whosoever, living without the limits of the said parishes of St. Philip and

St. Michael, who are possessed of any lands and slaves in this State, in their own right or in the right of others, or any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, by instalment, the first payment to be made on the first Tuesday in June next; the second payment on the first Tuesday in September next; and the last payment on the first Tuesday in January, which will be in the year of our Lord one thousand seven hundred and eighty-four; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors, and collectors for the several parishes respectively, within this State, shall close their accounts, and shall deliver the same, on oath, to the commissioners of the treasury for the time being, or either of them, (who is and are hereby empowered and required to administer such oath,) and pay him or them all such moneys as shall be by them respectively received, after retaining two per centum for all such moneys paid by the country collectors, and one per centum for all moneys paid by the collectors of Charlestown, into the hands of the commissioners of the treasury, in pursuance of this Act, on or before the first Tuesday in July and October, one thousand seven hundred and eighty-three, and the first Tuesday in February, one thousand seven hundred and eighty-four; and the inquirers, assessors, and collectors for each parish and district, shall make their return of such district respectively, to the said treasurers, at one and the same time; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing, upon oath as aforesaid, of their own lands and slaves, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

A. D. 1783.

Taxes on real  
estate, &c.  
when to be  
paid.

X. *And be it also enacted* by the authority aforesaid, That if any person or persons in given in or rendering his or her account of lands or slaves, or other taxable property, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

Penalty on  
concealment.

XI. *And be it enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of the lands and slaves, or other taxable property, to the inquirers, assessors, and collectors aforesaid respectively, at such time and place as they shall appoint, or by the last Tuesday in May, one thousand seven hundred and eighty-three, at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands or slaves, or other taxable property; except officers and soldiers in the service of the continent or of this State, who shall be at liberty to give in such return in the parish or district where he shall then happen to be on duty; and excepting also any such officer or soldier who shall be absent from this State on duty.

When deemed  
a defaulter.

XII. *And be it also enacted* by the authority aforesaid, That the inquirers, assessors, and collectors of the parishes of St. Philip and St. Michael, or any three or more of them, are hereby ordered and directed, on or before the last Tuesday in April, in the year of our Lord one thousand seven hundred and eighty-three, to go once to the several houses of the inhabitants of the said parishes of which they shall give previous notice in the Gazette three weeks before they shall go to the said houses, and to inquire into and take an account of all the real estates, and particularly in what parts of the town the several lots of land are situated, and of the slaves and other taxable property of the said inhabitants, which they shall be possessed of, interested in, or entitled unto, in their own right or in the right of any other person whatsoever, lying or being in the said parishes, and

Inquirers to  
give previous  
notice of their  
intention to call  
on the inhabit-  
ants to make  
returns.

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of, all lands and slaves which the said inhabitants are possessed of, in their own right or in the right of any other person, without the limits of the said parishes, or in any other part of the State.

Persons over-  
rated may  
swear off the  
overplus.

XIII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is overrated, or whose attorney or attorneys shall have reason to believe he or she is overrated, for the profits of his or her handicraft, trade, employment, factorage, faculty, or profession, or for his or her stock, or houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors at the exchange in Charlestown, and at any public place in the country for that purpose, to swear off so much as he, she, or they, or his or her or their attorney or attorneys, shall think they are overrated, before the assessors or collectors, as aforesaid; and the said assessors and collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

When inquir-  
ers shall make  
their returns.

XIV. *And be it further enacted*, by the authority aforesaid, That any four of the assessors and collectors shall be a quorum, and shall meet at the town hall, over the exchange in Charlestown, the last Tuesday in April aforesaid, and there continue to sit until they have finished the calculation of the value of the estates in the said town, and within the limits aforesaid, or to adjourn to any other place in the said town, as they see fit; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Tuesday in May, one thousand seven hundred and eighty-three, and shall cause a duplicate thereof to be posted at the exchange in Charlestown, in seven days after the calculation shall be closed, and they shall give previous notice twice at least in the Gazette of the time when such duplicate shall be posted; and the said assessors, and all other assessors and collectors of the several parishes in the country, before they enter upon the execution of their said office, shall take the following oath, before one of the justices of the peace, who shall give them a certificate thereof gratis: "I, A B, sincerely swear, that I will administer the oath required by this Act to be administered to all persons making their returns, or paying their tax, and that I will indifferently, equally, and impartially, rate and assess all and every person, according to the full value of what I believe every such person worth, and the directions given to me by this Act, according to the best of my skill and knowledge. So help me God."

Time of paying  
the tax in the  
parishes of St.  
Philip and St.  
Michael.

XV. *And be it also enacted*, by the authority aforesaid, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors, the several sums of money on them respectively assessed, on or before the last Tuesday in July and October, one thousand seven hundred and eighty-three, and the last Tuesday in February, one thousand seven hundred and eighty-four; and the said assessors and collectors shall pay to the commissioners of the treasury all such sum and sums of money as shall be by them respectively collected, detaining their commissions as aforesaid.

Warrants to be  
issued against  
defaulters.

XVI. *And be it also enacted*, by the authority aforesaid, That in case any person whosoever, shall neglect or refuse to pay in his, her, or their tax at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall, immediately after ten days are fully elapsed, without further delay, levy the same, by virtue of warrant by them, or any of them, to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress, and sale of the defaulter's goods, re-

turning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; or shall not make an oath before the collectors, that he has not directly or indirectly conveyed away or removed his said goods and effects, whereon the moneys so assessed be levied, to avoid the payment of the said tax, and that he is not able to pay the same, which oath the said collectors are hereby respectively authorized and empowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects, whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and convey him to the common gaol in the district where such defaulter resides; which warrant shall run in these words, *mutatis mutandis*, viz. "A B, C D, E F, collectors of the general tax for the parish or precinct of —, to G H, constable for the parish or precinct of —, or to the sheriff of — district, in the State of South Carolina, or to his lawful deputy: whereas, J K, has been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of —, for defraying the charges of the —, which — has neglected to pay; these are, therefore, in the name of the State, strictly to charge and command you to levy by distress and sale of the goods and chattels of the said J K, the said sum of —, together with the charges thereof; and in case the said J K, shall refuse or neglect to produce goods and chattels sufficient to levy the said distress and charges thereon, that then you take the body of the said J K, and convey — to the common gaol in the district, commanding you, the keeper of the said gaol, to detain the body of the said J K, in your custody until — shall pay the said sum of —, together with the charges of keeping and detaining as aforesaid, and for so doing, this shall be your sufficient warrant. Given under our hands and seals, this — day of — A. D. —. A B, C D, E F." And the sheriff to whom such warrant shall be directed, shall detain such person in the gaol aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees, in the execution of their office, viz. for serving every execution, one shilling and two pence sterling, and for all sums to be levied as aforesaid, five per cent., and two pence sterling for every mile, to be computed from the dwelling-house of such constable, to the house or place of residence of such defaulter; and for the constables returning home, mileage at the same rate, and no more or any other fee whatsoever; and the assessors or collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter one shilling and sixpence sterling.

XVII. *And be it also enacted*, by the authority aforesaid, That if any taxable person shall neglect to give in an account as aforesaid, of his or her estate to the said inquirers and collectors, by the time limited by this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act, on any person for whom he or she is guardian, executor, attorney, or trustee, by the time limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrant in the same manner as above directed; and in case the said assessors and collectors shall not have a just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

XVIII. *And be it enacted*, by the authority aforesaid, That the commissioners of the treasury shall have full and ample power in all respects for

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Form of the  
warrant.

Fees of constables, &amp;c.

Penalty on  
neglect to  
make return  
or pay tax.

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Commissioners of the treasury empowered to issue warrants for arrears of taxes.

collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, and the same may be recovered by virtue of a warrant under the hand and seal of the said commissioners for the time being, or any one of them, directed to the sheriff or any constable for the district where such arrears of taxes are to be collected; which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables dying or departing.

XIX. *And be it also enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all security and incumbrances whatsoever; and that in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors, and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages and debts, whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate to the inquirers or collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find securities to the liking of the said collectors and assessors, for the payment thereof at the time appointed.

Fraudulent conveyances.

XX. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, and goods and chattels, of any person whatsoever, made with an intent to avoid being assessed, or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Mortgagees liable to pay tax.

XXI. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgagor: Provided that such estate shall be in possession of the said mortgagee.

Penalty on officers for neglect.

XXII. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of seventy pounds sterling; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of two hundred and eighty pounds sterling to this State, for support of this Government, to be sued for and recovered by the commissioners of the treasury for the time being, in any court of record in this State.

Penalty on collectors for default.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes, shall neglect or refuse to give in upon oath to the commissioners of the treasury, a just and true account of all moneys received by him or them, or due to the State on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore

limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by a warrant under their hand and seal, to commit such assessor or collector to the common gaol in the district wherein he resides, there to remain without bail or mainprize, until he or they shall have rendered upon oath, to be taken before one of the justices of the quorum, a full, and to a majority of the commissioners of the treasury, a satisfactory account of, and shall have paid all such sums, so as aforesaid by him or them collected during the time that he or they were collectors, and shall have given into the commissioners of the treasury an account of all moneys due this State by virtue of this or any former tax Act, and the reasonable charges of such commitment.

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XXIV. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, shall happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the power and authorities hereby given them are executed, then his excellency the Governor or Commander-in-chief for the time being, is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons, in the room of him or them so dying, refusing to act, or departing this State, or removing out of his parish or district; and the person or persons so appointed shall have the same powers, and be under the same penalties, as the inquirers, assessors, and collectors hereby nominated.

Vacancies,  
how to be  
filled.

XXV. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any one of them, be, and they are hereby, empowered and required to grant immediate executions against all former constables and collectors of taxes, and collectors and assessors for the time being, and all persons in arrear for taxes, now or hereafter to grow due, when the time is or shall be elapsed for paying the same; and he or they is and are hereby required and directed to prosecute all and every person or persons whatsoever, neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same, for any such refusal or neglect.

Commissioners  
of the treasury  
to compel pay-  
ment.

XXVI. *And be it also enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

General issue  
may be  
pleaded.

XXVII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied to and for the use and service of this State.

Appropriation.

*In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.*

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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## ESTIMATE

*Of the supplies wanted for the support of Government from the first day of January, one thousand seven hundred and eighty-three, to the first day of January, one thousand seven hundred and eighty-four.*

## CIVIL LIST.

|                                                                 |   |   |   |                |
|-----------------------------------------------------------------|---|---|---|----------------|
| His Excellency the Governor's salary                            | - | - | - | \$5,540        |
| Four assistant justices, \$2,154 each                           | - | - | - | 8,616          |
| Attorney General                                                | - | - | - | 1,293          |
| Three delegates to Congress at £600 sterling each, or \$2571 50 | - | - | - | 7,714½         |
| Clerk of the Privy Council                                      | - | - | - | 1,331          |
| Treasurers, two, at £2000 currency each, is                     | - | - | - | 2,462          |
| Auditor of public accounts, £2000 currency                      | - | - | - | 1,231          |
| Assistant to the auditor                                        | - | - | - | 600            |
| Clerk of the Senate                                             | - | - | - | 1,231          |
| Clerk of the Assembly                                           | - | - | - | 1,231          |
| Two messengers, one to each house, at £250 currency per annum   | - | - | - | 307            |
| Two doorkeepers do at £200 do                                   | - | - | - | 246            |
| The housekeeper of the State House                              | - | - | - | 246            |
| Powder receiver                                                 | - | - | - | 300            |
| Commissary of military stores                                   | - | - | - | 300            |
|                                                                 |   |   |   | <u>32,548½</u> |

## INCIDENTAL CHARGES.

|                                                                                                                                                      |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Expense of Members of the Senate and members of the House of Representatives                                                                         | 5,000          |
| Rebuilding and repairing the different gaols and court-houses throughout this State, viz.                                                            |                |
| The gaol in Charlestown                                                                                                                              | 10,000         |
| The work-house in do                                                                                                                                 | 10,000         |
| Repairing gaol and court-house at Port Royal                                                                                                         | 1,500          |
| Building court-house at Orangeburgh                                                                                                                  | 3,000          |
| Repairing the gaol at do                                                                                                                             | 800            |
| Building gaol and court-house at Ninety-Six                                                                                                          | 6,000          |
| Do court-house at Georgetown                                                                                                                         | 3,000          |
| Repairing the gaol at do                                                                                                                             | 800            |
| Building gaol and court-house at Camden                                                                                                              | 6,000          |
| Repairing gaol and court-house at the Cheraws                                                                                                        | 1,500          |
| For a small permanent force for security of the public buildings, and to prevent rescues, to be kept at the different circuit gaols and court-houses | 30,000         |
| Forts and look-outs                                                                                                                                  | 20,000         |
| Three small galleys or scout boats                                                                                                                   | 21,000         |
| Printer's bill                                                                                                                                       | 500            |
| State troops for the security of the frontier                                                                                                        | 8,000          |
| For a public arsenal                                                                                                                                 | 10,000         |
| Boundary line with the State of Georgia                                                                                                              | 1,000          |
| Interest of public debt for the State for the year 1782                                                                                              | 40,000         |
| As a contingent fund to remain subject to the draft of the Governor                                                                                  | 20,000         |
| Loan negotiated at Philadelphia for the distressed inhabitants of this State                                                                         | 8,000          |
|                                                                                                                                                      | <u>206,100</u> |

## CONTINENTAL CHARGES.

|                                                                                                    |                 |
|----------------------------------------------------------------------------------------------------|-----------------|
| Interest of this State's (quota) of domestic debt of the United States                             | 72,000          |
| This State's quarterly proportion of continental taxes for the present year called for by Congress | 120,000         |
|                                                                                                    | <u>192,000</u>  |
| Total dollars                                                                                      | <u>430,648½</u> |

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**AN ACT TO OBLIGE PERSONS HAVING NEGROES OR OTHER EFFECTS, NOT THEIR OWN PROPERTY, IN THEIR POSSESSION, TO RENDER AN ACCOUNT THEREOF; AND TO PUNISH SUCH AS SHALL EMBEZZLE, CONCEAL OR NEGLECT TO RENDER AN ACCOUNT OF THE SAME.** No. 1160.

WHEREAS, many persons in this State have by various means since the commencement of the present war become possessed of negroes, horses, cattle, mules, sheep, hogs, household furniture, and divers other effects, the property of others;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, That all and every person and persons who are in possession of any such negroes, horses, cattle, mules, sheep or hogs, household furniture, or other effects, shall, within three months after the passing of this Act, make a just and true return in writing, to the nearest justice of the peace in the district or parish, of all and every such property, describing as near as may be, the particular names and ages of all negroes, and the lawful owner or owners, if known; also the colour, brands and other marks of all horses, cattle, mules, sheep or hogs, and as near a description as possible of all other property of what nature or kind soever; and upon such information and description made as aforesaid, the said justice of the peace shall, under the penalty of forty shillings sterling, publish the same with all convenient speed in the Gazette, and at some place of public worship and muster field in the parish or district where he resides, to be there continued four weeks, and the sum necessary for publishing the same shall be paid into the hands of the magistrate by the person or persons who shall produce the property to be so advertised; and if the owner or owners shall appear and prove his, her or their property in the same, to the satisfaction of the said justice, he shall immediately deliver or give an order for the delivery of such negroes or other property to the owner or owners, upon being paid the charges of the said advertisements, and also three shillings sterling for his trouble of keeping a book in which he shall make an entry of all articles so returned to him; and if no owner appears within six months, then it shall be lawful for the said magistrate, and he is hereby empowered and required, to sell, or cause to be sold, all or any part of the said property, not claimed as aforesaid, at public outcry, to the best advantage, first giving twenty days public notice thereof; and the monies thereby arising, after deduction of reasonable charges, shall be paid into the treasury, subject to the future disposal of the Legislature.

Persons holding slaves, cattle, &c not their own, to make a return of the same to a justice of the peace.

II. *And be it further enacted* by the authority aforesaid, That the wilful omission or neglect of any person or persons whatsoever, for the space of one month after the expiration of the three months within which time he, she or they are required by this Act to give information of negroes or other property as aforesaid, to some magistrate, shall be taken, and is hereby declared to be, an evidence of an intention to secrete and convert such negroes and other effects to their own use, in such person or persons, and shall be admitted and taken as legal evidence of such intention on the trial of any action against such person or persons for such offence; and if a verdict shall pass against him, her or them, he, she or they shall, over and above the damages assessed, forfeit double the value of such property to the owner or owners thereof; provided always, that nothing contained in the foregoing clause shall extend, or be construed to extend, to such persons as have become possessed of such property under any legal or pretended legal claim, which claim they are ready to support when called upon.

Limitation of time for making a return, and penalty on neglect.

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This Act to be  
read before mi-  
litia companies.

III. *And be it further enacted* by the authority aforesaid, That copies of this Act shall be immediately transmitted to the captains or other commanding officers of the several companies of militia throughout this State, who shall cause the same to be publicly read at the head of their respective companies within thirty days after his receipt of the same, under the penalty of ten pounds sterling for each neglect.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1161. *AN ACT* FOR REVIVING AND AMENDING SEVERAL ACTS AND ORDINANCES OF THE GENERAL ASSEMBLY.

Preamble.

WHEREAS, several Acts of the General Assembly of this State are expiring, and many expired, which it is necessary to revive and continue, and many others require amendment and alteration ;

Former Acts  
revived and  
continued.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the State aforesaid, now met and sitting in the General Assembly, and by the authority of the same, That the several Acts and clauses of Acts of the General Assembly of this State, hereinafter particularly mentioned, are hereby declared to be revived, continued and enacted to be of full force and virtue ; that is to say : an Act of the General Assembly entitled "An Act for licensing hawkers and pedlars and petty chapmen, and to prevent their trade with indented servants, overseers, negroes and other slaves," passed in the General Assembly on the eleventh day of March, one thousand seven hundred and thirty-seven ; also an Act entitled "An Act for the establishing a market in the parish of St. Philip, Charlestown, and to prevent engrossing, forestalling, regrating and unjust exaction in the said town and market," passed the eleventh day of April, one thousand seven hundred and thirty-nine ; also, 'An Act for the better ordering and governing negroes and other slaves in this Colony,' passed the tenth day of May, one thousand seven hundred and forty ; provided nevertheless, that such parts and clauses of the said last mentioned Act be hereby excepted and not continued or enforced, as are altered or repealed by an Act of the General Assembly, passed the eleventh day of May, one thousand seven hundred and fifty-four, "for preventing the stealing negroes," or by "an additional and explanatory Act to the same," passed the seventh day of May, one thousand seven hundred and fifty-one ; also "An Act concerning masters and apprentices," passed the twenty-eighth day of February, one thousand seven hundred and forty ; also "An Act for rendering and making the office of constable more easy and less expensive to the persons appointed," passed the eighth day of March one thousand seven hundred and forty-one ; also an Act entitled "An Act for the better security of this Province against the insurrections and other wicked attempts of negroes and other slaves," and for reviving and continuing an Act of the General Assembly of this Province entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the seventeenth day of May, one thousand seven hundred and forty-three ; also "An Act for regulating the making of dams or banks for reserving water, where the same may affect the properties of other persons," passed the twenty-

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ninth day of May, one thousand seven hundred and forty-four; also "An Act to prevent frauds and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing of the several commodities and merchandize in this State," passed the seventeenth day of June, one thousand seven hundred and forty-six; except such parts or clauses of the said Act as are repealed by an Act passed the twelfth day of April, one thousand seven hundred and sixty-eight, entitled "An Act for regulating and ascertaining the rate of wharfage of ships and merehandize, and also ascertaining the rates of storage in Charlestown;" also such clauses and parts of "An Act for amending an Act entitled 'An additional and explanatory Act to an Act to empower the several commissioners of the high roads and private paths, bridges, creeks, causeys, and cleansing of water passages in this Province, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof,'" passed the seventeenth day of May, one thousand seven hundred and fifty-one, as were revived by the revival Act passed on the twelfth day of April, one thousand seven hundred and sixty-eight; also "An Act for the better restraining seamen from absenting from their service, and for encouraging the apprehending and securing of fugitive seamen, and to discourage frivolous and vexatious actions at law being brought by seamen against masters and commanders of ships and other vessels," passed the seventeenth day of May, one thousand seven hundred and fifty-one; also "An Act for allowing discounts, and for repealing all former Acts and paragraphs of Acts of the General Assembly of this State regulating discounts," passed the seventh day of April, one thousand seven hundred and fifty-nine; also an Act passed the seventh day of April, one thousand seven hundred and fifty-nine, entitled "An Act for the more effectual relief of insolvent debtors, and for that purpose putting in force and effectually carrying into execution in this Colony, such part of an Act made in the Parliament of Great Britain in the second year of his present Majesty's reign, entitled "An Act for the relief of debtors, with respect to the imprisonment of their persons, as is hereafter mentioned, and to repeal the several Acts of Assembly now of force in this Colony, for relief of insolvent debtors;" also "An Act for establishing and regulating the Artillery Company which was formed out of the militia of Charlestown," which Act was passed the thirty-first day of July, one thousand seven hundred and sixty; also "An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown," passed the twelfth day of April, one thousand seven hundred and sixty-eight; and also "An Act for the preservation of deer, and to prevent the mischiefs arising from hunting at unseasonable times," passed the twenty-third day of August, one thousand seven hundred and sixty-nine; and also "An Act for a fish market, and for preserving the lamps in Charlestown," passed the seventh day of April, one thousand seven hundred and seventy; also "An additional Act to an Act entitled an Act for the better regulation of taverns and punch houses," passed the eighth day of March, one thousand seven hundred and forty-one; also "An Act for the better establishing and regulating of patrols in this Colony," passed the seventeenth day of June, one thousand seven hundred and forty-six; also "An Act for regulating the assize of bread," passed the sixteenth day of March, one thousand seven hundred and forty-nine; also an Act entitled "An Act to empower certain commissioners herein mentioned to keep clean and in good order and repair the streets of Charlestown, and for establishing other regulations in the said town," passed the tenth day of August, one thousand seven hundred and sixty-

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four; also "An Act for regulating the inspection and exportation of tobacco and flour, and for granting a bounty on flour," passed the twentieth day of March, one thousand seven hundred and seventy-one; except such part as allows a bounty on flour, which part is hereby repealed; and also an Act entitled "An Act for amending an Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charlestown, and for repealing the first clause of the said Act," passed the twenty-eighth day of March, one thousand seven hundred and seventy-eight.

II. *And be it further enacted* by the authority aforesaid, That all and singular, the several Acts, clauses and parts of Acts, herein before mentioned, (excepting such as are particularly excepted,) in so far as they are not contrary to the Constitution or form of Government now established in this State, shall be, and are hereby declared to be, in full force, virtue and effect, immediately from the passing of this Act, until repealed, amended or otherwise altered by the Legislature.

Fines &c. to be  
paid into the  
public trea-  
sury.

III. *And be it further enacted* by the authority aforesaid, That all fines and penalties inflicted, or made payable by any of the Acts herein before mentioned to the use of the King of Great Britain, are hereby directed to be paid into the public treasury of this State for the use of the same; and that all authorities given and enjoined, by any of the said Acts, to any Governor or any other public officer, are hereby given and enjoined to such public officers appointed under the Constitution or form of Government established in this State.

Acts revived  
and continued.

IV. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to suspend the operation of the limitation Act," passed the sixth day of February, one thousand seven hundred and eighty-two; and also an Act entitled "An Act for the regulation of the militia of this State," passed the twenty-sixth day of February, one thousand seven hundred and eighty-two—shall be, and are hereby declared to be, in full force, virtue and effect, immediately from the passing of this Act, and to continue in force for one year henceforth, and from thence to the end of the next sitting of the General Assembly of this State, in like manner as if such Acts had originally been enacted to continue in operation until such time.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1162. *AN ACT* TO ASCERTAIN THE WEIGHT AND VALUE OF THE SEVERAL GOLD AND SILVER COINS IN CIRCULATION IN THIS STATE; AND TO PUNISH PERSONS WHO SHALL COUNTERFEIT OR UTTER OR ATTEMPT TO PASS THE SAME, KNOWING THEM TO BE COUNTERFEIT.

Preamble.

WHEREAS, no fixed standard has yet been established, at which gold or silver coin shall pass current in this State, and great inconveniences are daily happening for want of a law to regulate the same;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That from and after the passing of this Act the gold and silver coins of the following weight and denominations, shall pass current and be received in payment as a tender in law in this State, at the following value: four shillings and eight pence sterling to a Spanish milled dollar, and at the following relative value to each other, that is to say:

A. D. 1783.

Gold and silver coins of the weight and denominations herein mentioned, to be a legal tender.

A Spanish milled Dollar, 4s. 8d.

| Weight.            |      |    |    |    |        | Weight. |                   |    |    |    |        |     |      |
|--------------------|------|----|----|----|--------|---------|-------------------|----|----|----|--------|-----|------|
| dwt.               | grs. | L. | s. | d. | Dolls. | dwt.    | grs.              | L. | s. | d. | Dolls. |     |      |
| Johannes,          | 18   | 00 | 2  | 14 | 8      | 16      | Spanish Doubloon, | 17 | 0  | 3  | 10     | 0   | 15   |
| Half ditto,        | 9    | 00 | 1  | 17 | 4      | 8       | Double Pistole,   | 8  | 12 | 1  | 15     | 0   | 7½   |
| Quarter ditto,     | 4    | 12 |    | 18 | 8      | 4       | Pistole,          | 4  | 6  |    | 17     | 6   | 3½   |
| Eighth ditto,      | 2    | 6  |    | 9  | 4      | 2       | Half ditto,       | 2  | 3  |    | 8      | 9   | 1½   |
| Moidore,           | 6    | 16 | 1  | 8  | 0      | 6       | English Guinea,   | 5  | 7  | 1  | 1      | 9   | 4½   |
| Half ditto,        | 3    | 8  |    | 14 | 0      | 3       | Half ditto,       | 2  | 15 |    | 10     | 10½ | 2½   |
| Quarter ditto,     | 1    | 16 |    | 7  | 0      | 1½      | Quarter ditto,    | 1  | 7  |    | 5      | 5½  | 11-6 |
| Eighth ditto,      |      | 20 |    | 3  | 6      | ¾       | French Guinea,    | 5  | 5  | 1  | 1      | 5   | 4½5d |
| French Crown, of 4 |      |    |    |    |        |         | German piece,     | 6  | 6  | 1  | 3      | 4   | 5    |
| to the Louis d'or, |      |    |    | 5  | 0      | 1½      | Half ditto,       | 3  | 3  |    | 11     | 8   | 2½   |
| English Crown,     |      |    |    | 5  | 0      | 1½      | Ducat,            | 2  | 5  |    | 9      | 4   | 2    |
| Pistoreen,         |      |    |    |    | 11     |         |                   |    |    |    |        |     |      |

II. *And be it further enacted* by the authority aforesaid, That any person who shall counterfeit, or utter, or attempt to pass, knowing them to be counterfeit, any of the aforesaid gold or silver coins, or shall make or keep in his or her possession any stamp, die or mould for coining the same, upon being duly convicted thereof shall be adjudged guilty of felony, and suffer death as a felon, without benefit of clergy.

Penalty on counterfeiting the said coins.

III. *And be it further enacted* by the authority aforesaid, That in all payments for debts contracted before the passing of this Act, to be made in any of the aforesaid gold or silver coins, the same shall be received at the current value of the coin tendered at the time such debt was contracted.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*HUGH RUTLEDGE, *Speaker of the House of Representatives.*

### AN ACT FOR THE AMENDMENT OF AN ACT COMMONLY CALLED THE No. 1163. ATTACHMENT ACT.

WHEREAS, by an Act commonly called the Attachment Act, the monies, goods, chattels, debts and books of account, belonging to an absent debtor, may be attached by his creditor, but it frequently happens that the absent debtor has neither monies, goods, chattels, debts or books of account, within the State, but is seized and possessed of lands, leasehold estates and chattels, real, within the same, and it is right and proper that such real property should be liable to attachment, to satisfy the just debts and demands of an honest creditor;

Preamble.

A. D. 1783.

Lands, leasehold estates, and chattels real, shall be liable to be attached.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all lands, leasehold estates and chattels real, within this State, which are the property of an absent debtor, shall be liable to be attached, to satisfy the just debts and demands of his, her or their creditors, in the same manner, by the same process, and for the same causes, as the monies, goods, chattels, debts and books of account, of an absent debtor, are now liable; so that every benefit and advantage arising to creditors from the said Act, commonly called the Attachment Act, shall be, and they are hereby, extended as well to the real as the personal estate of an absent debtor, in as full and ample a manner as if the real estate of an absent debtor had been made liable to attachment by the said Act.

Estate of an absentee may be attached, for tort, trespass, &c.

II. And whereas, the benefit of the said Act, commonly called the Attachment Act, is confined to such person or persons as have occasion to commence any suit or action against an absentee, upon judgment, bond, bill, note of hand, book debt, covenant, contract or assumpsit; and it sometimes happens that one person, after having done considerable damage and substantial injury to another, absconds, and withdraws himself from the limits and jurisdiction of this State, by which the injured party is left without redress, as there is no mode established by the laws of this State for prosecuting the absent wrong-doer to outlawry, or for rendering the property he leaves in this State liable to make good the damage he has committed; for remedy, therefore, and prevention of such injuries, *Be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, any citizen may sue out a writ of attachment against the real and personal estate of an absentee, for any tort, trespass or injury actually done by such absentee to his, her or their property, real or personal; and the real and personal estate of such absentee shall be, and is hereby made, liable to satisfy the damage sustained by such citizen, by the same process, and in as full and ample a manner, as the personal estate of an absent debtor is by the said Act liable to satisfy the just debt and demands of his, her or their creditor.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1164. AN ACT to regulate the election and appointment of Commissioners of the High Roads in the several Parishes and Districts of this State, and also to regulate the rates of Ferriage at such Ferries which are not established by law.

(Passed March 12, 1783. *See last volume.*)

No. 1165. AN ACT for appointing Fire Masters, and other purposes.

(Passed March 12, 1783. *See last volume.*)

A. D. 1783.

AN ACT for incorporating the Calvinistic Church of French Protestants.

No. 1166.

(Passed March 12, 1783. *See last volume.*)

AN ACT for establishing the Ferry therein mentioned.

No. 1167.

(Passed March 12, 1783. *See last volume.*)

AN ORDINANCE FOR ENFRANCHISING A NEGRO WOMAN AND HER CHILD, LATE THE PROPERTY OF MR. JOHN SMYTH. No. 1168.

WHEREAS, a negro man named Antigua, a slave, lately belonging to Mr. John Harleston, deceased, was employed for the purposes of procuring information of the enemy's movements and designs, by John Rutledge, Esq. late Governor of this State; and whereas, the said negro man, Antigua, always executed the commissions with which he was entrusted with diligence and fidelity, and obtained very considerable and important information, from within the enemy's lines, frequently at the risk of his life; and whereas, it is but just and reasonable that the said negro man, Antigua, should receive some reward for the services which he has performed for the State;

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the said Antigua's wife, named Hagar, and her child, both lately belonging to Mr. John Smyth, shall, forever hereafter, be deemed and taken as free persons; and they shall be, and are hereby, enfranchised and forever delivered and discharged from the yoke of slavery, to all intents and purposes whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Ordained that Hagar and her child be forever enfranchised.

II. *And be it further ordained* by the authority aforesaid, That this ordinance shall be deemed a public ordinance, and all courts in this State are to take notice of the same, without special pleading.

This a public ordinance.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ORDINANCE to oblige the male inhabitants, from sixteen to sixty years of age, residing in the upper districts of All Saints and Prince George's Parishes, on or near Waccamaw River, to work on and lay open the navigation of the said River; and for appointing Commissioners for carrying the said Ordinance into execution.

No. 1169.

(Passed March 12, 1783. *See last volume.*)

A. D. 1783.

**No. 1170.** AN ORDINANCE to divide the Judges' Fees in the Court of Common Pleas and General Sessions of the Peace, equally among all the Judges; and to prevent any Judge who may be hereafter appointed a Delegate to Congress, from receiving the emoluments of both offices.

(Passed March 12, 1783. See last volume.)

**No. 1171.** AN ORDINANCE FOR ASCERTAINING AND REGULATING THE OFFICE OF RECEIVER, AUDITOR AND ACCOUNTANT GENERAL OF THE PUBLIC ACCOUNTS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

**Preamble.** WHEREAS, an ordinance passed the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and seventy-eight, entitled "An Ordinance for appointing a Receiver, Auditor, and Accountant General of the public accounts," is found insufficient for settling and adjusting the same;

**Duty of the auditor general.** I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the auditor and accountant general shall, immediately upon entering his office commence a new set of books for the public accounts, to be kept from the first day of January, one thousand seven hundred and seventy-nine, into which he shall proceed to transcribe the debts due to and from the State, dividing and arranging them under proper heads and charges by double entry; and all receipts and disbursements since the said first day of January, one thousand seven hundred and seventy-nine, and for the future, shall be in like manner carefully kept, and properly posted monthly.

**Office hours.** II. *And be it further ordained* by the authority aforesaid, That the said auditor shall keep his office open from nine to one o'clock, every day, Sundays excepted, to receive all accounts against the public, taking due care that those accounts be attested, (except when the nature of the case will not admit of it,) and certified by the proper officers, commissioners, or superintendents, each account to include such articles only as come properly under one head, in order that vouchers may be kept for different services.

**To examine all accounts, and report to the General Assembly.** III. *And be it further ordained* by the authority aforesaid, That the said auditor shall carefully examine the accounts, and note at the bottom, or on paper annexed to each account, all errors, impositions, and such observations as he may find requisite, and report the same to the General Assembly, if sitting, and during their recess to the Governor and Privy Council, once in two months, or oftener, if required, with an alphabetical list, that orders may issue on the treasury for payment. **Proviso.** Provided always, that nothing herein contained shall entitle, or be construed to entitle, any public creditor to be paid his demand out of any such monies lodged in the public treasury as may be appropriated for special purposes; provided also, that if no monies should be in the treasury for payment of any such order, and such creditor to whom such order shall be given shall be inclined to receive a treasury indent for the sum so due, then and in such case the commissioners of the treasury, or either of them, may, and they are here-

by authorized and required to, give to such creditor an indent for such sum to him due, bearing an interest of seven per cent. per annum. A. D. 1783.

IV. *And be it further ordained* by the authority aforesaid, That the said auditor is hereby authorized and required, by notice in writing, to summon before him, in order to account and settle with, all and every person and persons who have received any public monies, either out of the treasury or from any officer, civil or military, for the use of the public, since the first day of June, one thousand seven hundred and seventy-five; and every such person and persons neglecting or refusing to appear and produce their accounts and vouchers, and settle the balances due, by immediate payment of the same into the treasury, the auditor, in such case, is hereby required to deliver the account of such balance to the State's attorney general, who shall forthwith proceed to a prosecution for the recovery thereof.

Auditor to summon all persons who have received public monies since 1st June, 1775, to account.

V. *And be it further ordained* by the authority aforesaid, That his Excellency the Governor, by and with the advice and consent of the Privy Council, is hereby authorized and empowered to appoint one commissioner in each of the circuit districts of this State; which commissioners, respectively, are empowered to receive and adjust all accounts against the public of this State, up to the first day of January last, and to arrange the same alphabetically, and number them, in the most orderly manner, together with the vouchers accompanying them, and return a schedule thereof, with such remarks on each account as may be thought necessary, into the auditor's office, who shall adjust and finally settle the same, with the remarks on each account hereinbefore directed; and that each commissioner, as aforesaid, on passing each and every account, shall give the proprietor a certificate of the following tenor, viz. "I do certify that I have received accounts and vouchers against the public from A. B., to the amount of ———, which said accounts and vouchers I shall return to the auditor's office."

District commissioners to be appointed.

VI. *And be it further ordained* by the authority aforesaid, That each of the said commissioners shall give public notice in writing, as soon as may be, of the places and times at which they will attend to receive such accounts; that they be allowed the sum of sixty dollars each per month for their services; and that no accounts shall be by any of them received, nor the salary of any of them continued, after the fifteenth day of August next.

Pay of the commissioners.

VII. *And be it ordained* by the authority aforesaid, That the said auditor shall audit and keep the public store accounts, the arsenal accounts, powder receiver's accounts, and the accounts of all commissioners appointed or that may be appointed for transacting any public business.

What accounts the Auditor shall keep.

VIII. *And be it further ordained* by the authority aforesaid, That the said receiver, auditor and accountant general, shall be allowed a salary of one thousand six hundred dollars per annum, as a full compensation for his services and all expenses incidental to his office; that he be allowed one standing clerk, with a salary of six hundred Mexican dollars per annum, and, upon business of emergency, the Governor and Privy Council may appoint one clerk extraordinary; provided, that no person who shall be chosen to serve as auditor and accountant general, shall, hereafter, during his continuance in office, be eligible to serve or sit in either house of the legislature or in the privy council.

Salary of the Auditor and his clerk.

Proviso.

IX. *And be it further ordained* by the authority aforesaid, That the said district commissioners shall enquire into the several claims upon the public, in their respective districts, so as to obtain a sufficient knowledge of the circumstances attending each case, for the purpose of giving every necessary information to the auditor general, which the said commissioners shall be obliged to attend and give in person, when they present the sev-

Commissioners to enquire into claims against the public.

A. D. 1783.

eral accounts and vouchers by them collected, to the said auditor general, in order to their being audited and passed; and shall be allowed three dollars per day, not exceeding twenty days in the whole, for their expenses in attending to settle such accounts with the auditor.

A former ordinance repealed.

X. *And be it further ordained*, by the authority aforesaid, That the ordinance passed the twenty-eighth day of March, one thousand seven hundred and seventy-eight, entitled "An Ordinance for appointing a Receiver, Auditor and Accountant General of the public accounts," and every clause, matter and thing therein contained, shall be, and the same is hereby, repealed.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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No. 1172. AN ACT for continuance of Process and Judicial Proceedings in this State.

(Passed March 16, 1783. *See last volume.*)

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No. 1173. AN ACT FOR REGULATING TRIALS IN COURTS OF JUSTICE IN THIS STATE, BETWEEN SUBJECTS OF FOREIGN NATIONS IN ALLIANCE OR NEUTRALITY WITH THE UNITED STATES, AND THE CITIZENS THEREOF; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, it is conducive to the happiness and commercial interests of this State, and to that friendly intercourse which the citizens thereof wish to cultivate with foreign nations, that alien friends residing within the limits of this government, should enjoy the security and protection of our laws on principles of justice and impartiality:

Judges can hold a special term of the court upon the petition of persons wishing to leave the State.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That it shall and may be lawful for the judges of this State, or any one of them, and they are hereby required, upon the petition in writing of any alien friend, and upon oath made by such person that he intends to depart this State within the space of twenty days after preferring such petition, to hold a special court of common pleas for hearing, trying, and determining all causes wherein such alien shall or may be concerned or interested; and the said special court shall sit *de die in diem*, until such cause or causes shall be tried and finally determined; and the said court is hereby authorized to make such summary rules and orders in such causes, as shall be agreeable to justice, and may tend to expedite such causes, notwithstanding the writ or other process shall or may be made returnable at any day that is to come after the time appointed for the holding the said special court; and no judgment given in any such cause shall be arrested or stayed for or by reason of any discontinuance or miscontinuance whatsoever: Provided,

that all persons that are parties to any such cause or suit have due and convenient notice of such rules and orders as aforesaid, and have reasonable and convenient time allowed them to do and transact all matters that are necessary and allowable by law to defend their respective suits.

A. D. 1783.

II. *And be it further enacted* by the authority aforesaid, That in all manner of trials and inquests hereafter to be had, whether civil or criminal, in which any of the subjects of foreign nations, either in alliance or neutrality with the United States, may be party or parties, be they merchants or others, in any court of record of this State, one-half the jury shall be aliens, if so many aliens or foreigners can be found in the place where such trials shall be had, and the other half of such jury shall be citizens, drawn agreeable to the jury law, subject to the challenge or exception of the alien party as usual. And in order that a full number of aliens may appear in such cases to sit on the trial, the judges, or any one of them, are hereby authorized, after drawing the jurors for any of the said courts, also to issue a *venire de medietate linguee* to the sheriff, who shall summon eighteen subjects of the nation of such alien, if they may be had, or the subjects of any other nation (except subjects of Great Britain during the war) to appear and serve as jurors on the trial of any such cause, and on refusal or neglect to appear and serve, shall be liable to the same penalties to which a citizen is subject in case of a like neglect or refusal; and of the foreigners so summoned and appearing, six shall be drawn by lot, by a child under ten years of age, as directed by the jury law, which six foreigners, together with the six citizens, shall form a jury to sit on any such trial; and in case a sufficient number of such aliens shall not appear, or they are excepted to after appearing, the court may award a *tales de circumstantibus*, for as many as shall be wanting.

In all cases where foreigners are parties, one-half of the jury to be foreigners.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

## AN ACT FOR PROCURING RECRUITS FOR THE CONTINENTAL LINE OF THIS STATE. No. 1174.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That every able-bodied recruit between the age of sixteen and forty-five years, who shall enlist to serve in the continental line of this State for the term of three years, and shall be approved by one of the officers, who shall be appointed by order of the continental General of this State to inspect recruits, shall be entitled to, and shall receive as a bounty for such enlistment, the sum of ten guineas: Provided, nevertheless, that no sailor or British deserter shall be entitled to such bounty.

II. *And be it further enacted* by the authority aforesaid, That any person, and all persons, who shall procure any recruits to enlist for the said term in the said service, shall be entitled to, and shall receive on the said

Bounty to recruits.

Sum to be paid for each recruit

A. D. 1763.

Former Acts  
not to extend  
to future enlist-  
ments.

Confiscated  
property to pay  
the bounty for  
recruits.

Penalty for  
concealing de-  
serters.

Bounty for ap-  
prehending de-  
serters.

recruits being approved as aforesaid, (as a gratuity for his or their services,) the sum of three guineas.

III. *And be it further enacted* by the authority aforesaid, That no bounty held forth and promised to recruits by any former Act or resolution of the Legislature of this State, shall extend, or be construed to extend, to any future enlistments.

IV. *And be it also enacted* by the authority aforesaid, That his excellency the Governor be, and he is hereby, empowered to take the most effectual method for carrying this Act into execution, by ordering from time to time the sale of such personal confiscated property as he may think necessary to place in the hands of the recruiting officers for defraying the expense of the above bounty.

V. *And be it further enacted* by the authority aforesaid, That if after the passing of this Act, any free person shall entertain, harbor, or conceal any deserter, knowing him to be such, and shall be thereof convicted before any justice of the peace, such person so thereof convicted shall forfeit and pay thirteen guineas to the said justice for the use of this State, which said justice is hereby empowered and required to issue his warrant to any constable to levy the same; and if any person so convicted shall be unable to pay the same, the justice aforesaid may commit such person for any time not exceeding six months, or until the fine be paid, to the jail of the district in which such person is resident.

VI. *And be it further enacted* by the authority aforesaid, That any person who shall apprehend and deliver to the officer commanding the continental troops of this State any deserter or deserters from the said troops shall receive a gratuity of three guineas for each deserter so apprehended and delivered, and an allowance of seven pence sterling per mile for each deserter so delivered, from the place where he was apprehended to the place of such delivery.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1175. **AN ACT FOR PREVENTING THE PLUNDERING AND DESTROYING VESSELS IN DISTRESS, AND FOR THE MORE EFFECTUALLY SECURING SHIPWRECKED AND STRANDED PROPERTY.**

Preamble. WHEREAS, by the eighteenth article of the alliance between the United States and his most Christian Majesty, it is provided that vessels and goods belonging to French subjects, which may be stranded on our coasts, shall have every assistance and security in our power; and whereas, national honor and humanity require that the like friendly aid be extended to the vessels and other property of other allies, or of neutral nations:

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That if any person or persons shall, after the passing of this Act, plunder, steal, take away, or destroy, any goods or merchandise, or other effects, from

any ship or vessel belonging to the Prince, or public, or to any private subject, of any foreign nation in alliance or neutrality with the United States, or belonging to any citizen of this or any other of the United States, which shall be in distress, or which shall be wrecked, lost, stranded, or cast on shore in any part of this State, (whether any living creature be on board such vessel or not,) or shall make a hole or holes in the bottom of any ship or vessel in distress, or shall take away a pump, or wilfully and unlawfully do any mischief tending to the loss of such ship or vessel, or shall take away any of the furniture, tackle, apparel, provision, or part of such ship or vessel, such person or persons so offending shall be deemed guilty of felony, and being lawfully convicted thereof shall suffer death as in cases of felony, without benefit of clergy.

A. D. 1783.

Penalty of death to rob foreign vessels that are in distress, or wrecked.

II. *Provided always, and be it enacted* by the authority aforesaid, That when goods or effects of small value that may be stranded, shall be stolen without circumstances of outrage or violence, the offender being convicted thereof, shall forfeit and pay treble the value, to be ascertained by two justices of the peace.

Proviso.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any justice of the peace, on information upon oath of any part of a cargo or effects of any vessel lost or stranded on or near the seacoasts, being unlawfully conveyed or concealed, or of some cause or reasonable suspicion thereof, to issue his warrant for searching for such goods or effects, as in cases of stolen goods; and if the same be found in any house or other place, or in the possession of any person not legally authorized to have the same, and the person in whose possession the same shall be found, shall not immediately upon demand deliver the same to the owner or person lawfully authorized to receive them, he or she shall forfeit and pay to the owner or owners of such goods, his or their agent or attorney, treble the value, for such refusal. And any person discovering where any such goods are wrongfully bought, sold, or concealed, so that the owner, his agent or attorney, shall regain them, he or she shall be entitled to a reasonable salvage, not exceeding twenty-five per cent. on the value, to be adjusted by the next neighboring justice of the peace, who is hereby required to adjust the same.

Justices of the peace to issue search warrants for stolen goods.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall offer or expose to sale any goods or effects whatsoever belonging to any ship or vessel lost, stranded, or cast on shore as aforesaid, and unlawfully taken away, or reasonably suspected to have been, then and in every such case it shall be lawful for the person or persons to whom the same shall be so offered for sale, or any justice of the peace, or officer of militia, to stop and seize the said goods and effects; and if the person or persons who shall have offered the said goods and effects to sale, or some other person in his or her behalf, shall not within ten days next after such seizure, make out to the satisfaction of such justice of the peace, that they became honestly possessed of them, then the said goods and effects shall, by order of the said justice, be forthwith delivered over to and for the use of the owner thereof, on proof of his claim, and the payment of a reasonable reward, not exceeding five per cent. on the value, for such seizure, (to be ascertained by the said justice,) to the person who shall seize the same. And he, she, or they, who offered such goods and effects for sale as aforesaid, shall forfeit and pay to the owner or owners twice the value of such goods, to be recovered according to law.

Goods unlawfully taken from vessels that are lost may be seized.

V. *And be it further enacted* by the authority aforesaid, That in case any person or persons, not employed by the master, mariners, or owners, or other persons lawfully authorized, in the salvage of any ship or vessel, or

A. D 1783.

Persons saving a ship, though not employed, entitled to salvage.

The duty of justices of the peace and military officers when any vessel is stranded on the coast.

Persons assaulting another when saving a vessel, may be punished by the court.

Duty of justices of the peace, &c. where goods are cast on shore and saved, and no person appears to claim them.

Persons entering forcibly any ship stranded.

the cargo or provision thereof, shall, in the absence of the master or mariners or owners, save any such ship, vessel, goods or effects, and cause the same to be carried for the benefit of the owners into any port, inlet or place of safety within this State, immediately giving notice thereof to a custom-house officer, justice of peace, or militia officer, such person or persons shall be entitled to a reasonable salvage for such services, to be paid by the masters or owners of such vessel or goods; and in case of disagreement about the quantum of such salvage, the same to be adjusted by one or more neighboring justices of the peace, not exceeding three.

VI. *And be it further enacted* by the authority aforesaid, That when any ship or vessel, or effects, shall be stranded on any part of the coasts of this State, or upon any application of the commander of any ship or vessel stranded, to any justice of the peace or militia officer, such justice or militia officer, or the nearest justice or militia officer to the place where any vessel, goods, or effects shall be stranded or cast away, shall forthwith give public notice for a meeting to be held as soon as possible of any two justices of the peace, and militia officers, and such a party of the militia as may be necessary; and such justices of the peace, or militia officer or officers, are hereby required and empowered to give aid in the execution of this Act, and to employ proper persons for the saving such vessels in distress, or such vessels, goods, or effects, as shall be stranded or cast away, and also to examine persons upon oath, touching or concerning the same, or the salvage thereof, and to adjust the quantum of such salvage, and distribute the same among the persons concerned in the salvage, in case of disagreement among the parties, or the said persons; and every such justice of peace, or militia officer, attending and acting for the preservation of any such vessel or goods, shall be paid three dollars per day for his trouble, out of the vessel, goods, or effects, saved by their care or discretion.

VII. *And be it further enacted* by the authority aforesaid, That if any justice of the peace, militia officer, or other person acting in the preservation or salvage of any vessel, goods, or effects, shall be assaulted, beaten, or wounded, every person or persons so assaulting, beating, or interrupting, shall, upon conviction thereof before the court of sessions, receive such punishment, not extending to life or limb, as the said court in their discretion shall award.

VIII. *And be it further enacted* by the authority aforesaid, That if any ship or vessel, goods or effects, shall be stranded, or cast on shore, and no person appears to claim the goods which shall be so saved, two or more neighboring justices of the peace, or militia officers, shall take the same into their custody or possession, and as soon as may be, give notice and a schedule in writing of the different articles, (such justice keeping a copy thereof,) to the collector of the customs, and deliver safely all such goods and effects to the said collector or his order, who shall be responsible for the same, and who shall give public notice thereof in the Gazettes of this State, for at least eight months, if no claim should be made; and if such goods be not claimed within twelve months after such delivery to the collector as aforesaid, they are to be publicly sold, (or if the goods be perishable, to be sold forthwith,) and after deducting reasonable charges, the residue shall be lodged in the public treasury, subject to the claim of the proprietor, his agent or attorney.

IX. *And be it further enacted*, by the authority aforesaid, That if any person or persons not empowered, shall enter, or try to enter, forcibly on board any ship or vessel stranded or cast away, or in distress, or molesting the preservation thereof, he or they may be repelled by force. And if any person or persons shall carry away, or secrete, any goods and effects saved

as aforesaid, such person or persons shall forfeit and pay treble the value, to be recovered by the owner of such goods, or his agent, in any court of record in this State. A. D. 1783.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO ALTER AND AMEND AN ACT ENTITLED "*An Act for disposing of certain Estates and banishing certain persons therein mentioned,*"** No. 1176.  
**PASSED AT JACKSONBURGH, IN THE STATE OF SOUTH CAROLINA, ON THE 26th DAY OF FEBRUARY, A. D. 1782.**

WHEREAS, in and by the sixteenth section of the said Act, it is enacted, that, instead of inflicting capital punishment on such persons, they should be, and they are thereby to be, forever banished from the said State; and if any of the said persons should remain in the said State forty days next after the passing of the said Act, or should return to this State, the Governor or commander-in-chief for the time being is thereby authorized and required to cause the persons remaining in or returning to the State, to be apprehended and committed to gaol, there to remain without bail or mainprize, until a convenient opportunity should offer of transporting the said person or persons from this State, to some part of his Britannic Majesty's dominions, which the Governor or Commander-in-chief for the time being is thereby required to do; and if any of the said persons should return to this State, after such transportation, then and in such case he or they should be adjudged, and they are thereby declared to be, guilty of felony, and should, upon conviction of the offence of having returned as aforesaid, suffer death, without benefit of clergy: And whereas, notwithstanding the said Act, on the evacuation of the garrison of Charlestown by the British forces, on the fourteenth day of December last past, many persons whose names are mentioned in the lists annexed to the said Act, relying on the lenity of the American government and the mercy of their fellow citizens, did remain and continue in Charlestown, and have surrendered themselves to the custody of the sheriff of Charlestown district, and have been confined, by virtue of and in pursuance of the said recited Act, in the common gaol of Charlestown district; and whereas, such persons have severally preferred their humble petitions to the legislature of the said State, asserting their innocence of any of the crimes imputed to them, and praying for a trial and full examination of their conduct, which petitions have been received and are referred to proper committees by both houses of the legislature; and whereas, it is considered unnecessary in such cases to carry the said in part recited Act into a full and strict execution, with respect to the close imprisonment and sale of the effects of the said persons, as aforesaid, surrendering and submitting themselves; and the legislature, with its accustomed lenity, hath resolved to admit bail for such persons to be taken, to enforce their appearance at a future day, when the merits of their said petitions shall have been decided on;

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Judges of the court of sessions may take bail of the persons herein mentioned.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, met and sitting in General Assembly, and by the authority of the same, That immediately after the passing of this Act, it shall and may be lawful to and for any judge or justice of the court of general sessions of the peace, oyer and terminer, assize and general gaol delivery, of the said State, by order under his hand, to cause the sheriff of Charlestown district, or such other person or persons as may have the charge or custody of all or any of the persons aforesaid, to produce the bodies of such persons before such judge or justice; and the said judge or justice is hereby authorized and empowered to take good and sufficient bail for the future appearance and surrender, when demanded by order of the Executive authority of this State, of such person or persons; and that he or they, as the case may be, will in the mean time keep the peace, and be of good behaviour towards all and every the good citizens of the said State, and other the citizens of the United States of America.

The 16th section of the Confiscation act altered.

II. *And be it further enacted* by the authority aforesaid, That the said sixteenth section or clause of the said recited Act be, and the same is hereby declared to be, altered and amended, in so far as the same concerns the close imprisonment and immediate transportation from this State of such persons as are now in custody of the said sheriff of Charlestown district, or have surrendered themselves and petitioned, in manner as hereinbefore mentioned.

The further sale of the estates of said persons suspended.

III. And whereas, several of the persons who are banished and their estates confiscated, have preferred petitions to the legislature for relief, in the premises, and the committees to whom the said petitions were referred, have reported in their favour; *Be it further enacted* by the authority aforesaid, That the further sale of all and every the estates, both real and personal, of the persons whose names are mentioned on the list hereto annexed, be, and the same is hereby, suspended, until the final determination as aforesaid, by the legislature of this State, on their several memorials and petitions; and that the commissioners under the said Act be, and are hereby, required to discontinue any further sales or disposal of such estates, till such determination by the legislature can be had; any Act heretofore made to the contrary in any wise notwithstanding.

Limitation of this act.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue in full force and effect, as to each particular person meant or intended to be benefitted and relieved thereby, until the full and final determination on each case of the said petitioners shall be made by the legislature, and no longer; and that in case such determination shall eventually be against such person, that then, and in such case, the said recited clause, and all and singular the matters and things therein contained, shall operate, be, and continue in as full force and effect, as to such person or persons, against whom such determination as aforesaid shall or may be made, as if this Act had never been made.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

(List of names omitted.)

A. D. 1783.

*AN ACT TO AMEND AN ACT ENTITLED "An Act for disposing of certain estates, and banishing certain persons, therein mentioned."* No. 1177.

WHEREAS, it appears requisite that several amendments should be made to an Act entitled "An Act for disposing of certain estates, and banishing certain persons, therein mentioned," passed at Jacksonburg, on the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two. Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the estates of the persons mentioned on the lists number one, specified in the said Act, of those who left this country upon refusing to take the oaths of allegiance, and also of those who withdrew from their allegiance and went over to and took up arms with the enemy, in the year of our Lord one thousand seven hundred and seventy-nine, shall be respectively liable to discharge debts due by them, as the estates of those persons who are mentioned on the lists number two, three, four, five, and six. The estates of persons having gone over to the enemy liable for their debts.

II. *And be it further enacted* by the authority aforesaid, That notice of the sales of the real property shall be enlarged to two calendar months, and that the commissioners shall leave plats of the lands intended to be disposed of at some house in the neighborhood of the place where they are to be sold, at least three weeks before the sale, for the inspection of such persons as may be inclined to purchase, and shall give public notice of such place as they shall appoint to leave the plats at, in the same manner as they shall give notice of the sales, and that in future all the real property so sold shall be secured by mortgage of the same, and the amount of the purchase money, with the interest thereon, by good and sufficient personal security. Notice to be given of the sales of property, and plats to be left in the neighborhood of the place of sale.

III. *And be it further enacted* by the authority aforesaid, That all debts due from the public of this State, be discounted in payment of purchases of any of the confiscated estates, except such sales as be made by order of the Legislature for special purposes; and that all public creditors shall, where necessary, have their accounts first audited, and receive a certificate thereof from the auditor, which certificates being produced at the treasury, the commissioners thereof shall ascertain the value of such demand against the public, according to a table of depreciation to be established, and give such creditors treasury indents bearing an interest of seven per cent. per annum, to the amount of such demand respectively; and that the commissioners of confiscated estates shall receive such treasury indents in payment for any of the purchases of the confiscated property, which they shall deliver over to the commissioners to be cancelled by them. Debts due from the public may be discounted in payment of purchases.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners of the confiscated estates are hereby authorized and empowered to dispose of all the personal property belonging to the said estates, giving two months public notice thereof, on a credit of two years, the purchaser giving bond with good and sufficient security, for all sums under five hundred pounds sterling, which bonds and securities shall be taken in the names of the commissioners of the treasury for the time being, in trust for the use of the State, and delivered over by the said commissioners to the said treasurers. Confiscated property to be sold on credit with security.

V. *And be it further enacted* by the authority aforesaid, That the commissioners of confiscated estates shall be indemnified by the public for any

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Commissioners  
entitled to em-  
ploy counsel.

expenses which they may incur in taking the advice of some able counsel, where it may be necessary, and likewise in all such actions or suits in any court of law or equity where they are obliged to prosecute or defend; and the said commissioners are hereby empowered to search at office hours without paying the fees thereof, such records in the public offices of this State as it shall be necessary for them to consult.

Accounts  
against confis-  
cated estates  
to be rendered  
in and laid be-  
fore the audi-  
tor.

VI. *And be it further enacted* by the authority aforesaid, That the time of rendering in a state and proofs of the demands against the confiscated estates, shall be extended to the twentieth day of July, one thousand seven hundred and eighty-three; and that all demands in future against the said confiscated estates, shall be laid before the auditor; and if he should refuse to pass such accounts, the demandants shall then have an action against the commissioners of confiscated estates.

No debt against  
confiscated es-  
tates, contract-  
ed since the  
passage of the  
confiscation  
act, to be paid.

VII. *And be it further enacted* by the authority aforesaid, That no debt or demand against the confiscated estates, where the same hath been contracted since the passing of the confiscation Act, shall be paid or satisfied out of the said estates; and all persons to whom the said estates are indebted by bond, bill, note, or open account, shall make out a fair statement of the same upon oath, giving credit for all such sums of money which may be due and owing from them to the persons against whose estates such debts or demands shall be preferred, which said debts or demands when examined and certified by the auditor general, shall be allowed in purchase of any confiscated property, where the estates against which the debts shall be so certified are fully and clearly equal to the demands upon them; or, at the option of such creditors, they shall be paid proportionably out of the annual interest arising on the bonds given for the purchase of confiscated estates: Provided nevertheless, that nothing herein contained shall be construed to entitle any creditor to more than his proportion where the estate is insufficient for the payment of its debts; all such demands to be brought in and liquidated on or before the twentieth day of July next, and not afterwards: Provided nevertheless, that where it shall clearly appear to the commissioners upon the settlement of the accounts, that by reason of the absence of the debtors, and their having possessed of all the books and papers, that such accounts from their intricate nature cannot be adjusted within that time, such creditors shall have time to settle and adjust the same, till the twentieth day of February next ensuing.

Proviso.

Proviso.

Household fur-  
niture, &c. al-  
lowed the fami-  
lies of banished  
persons.

VIII. *And be it further enacted* by the authority aforesaid, That the household furniture, plate, linen, apparel, carriages, and carriage-horses, with such negroes as are generally attendant upon the families of those persons who are described in the confiscation act, shall be allowed to them.

Purchases  
made before  
the passage of  
the confisca-  
tion act to be  
valid.  
Proviso.

IX. *And be it further enacted* by the authority aforesaid, That where purchases have been made of the property of the banished persons before the passing of the confiscation Act, by persons who are citizens of this or of the United States, and where such purchases have been actually paid for, or only part of the purchase money paid, such person shall still retain the property so purchased; provided, the same was made for a valuable consideration of money, to be paid, without collusion or fraud, or with an intent of eluding a forfeiture, but that such purchasers as have never paid any part whatever of the purchase money, shall not be allowed their purchases as valid; and that where the moneys have been only partly paid, and the remainder secured to be paid, the purchasers, upon proof thereof being given to the commissioners of confiscated estates, shall give bond and personal security for the payment of the balance, with an interest of seven per cent. per annum, payable at the expiration of one year; and that the commissioners shall take the bonds in the name of the treasurers

for the time being, in trust for the use of the State, which bonds shall be delivered over by the said commissioners to the said treasurers; and that the bonds and securities which the said purchasers shall have given to the persons banished, or their attorney, for the balance due upon their purchase, shall be deemed and held null and void. A. D. 1783.

X. *And be it further enacted* by the authority aforesaid, That if the interest of the bonds taken by the commissioners of confiscated estates, and delivered over to the commissioners of the treasury, be not paid in thirty days after it becomes due, that the treasurers shall be obliged to sue for the same, and in such action no imparlance be allowed. Interest of bonds to be paid in 30 days.

XI. *And be it further enacted* by the authority aforesaid, That the commissioners be allowed for all provisions purchased for the subsistence of such negroes, and other reasonable and necessary expenses incurred, until they are disposed of, and to employ overseers where it is found necessary. Commissioners allowed the necessary expenses of negroes.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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**AN ACT FOR ESTABLISHING A FAIR AND MARKETS IN THE TOWN OF No. 1178.  
BELLEVILLE, ON THE CONGAREE RIVER, IN THIS STATE.**

WHEREAS, William Thompson did, by his humble petition to the honorable the Senate and House of Representatives of this State, set forth that, at the special instance and request of a number of the inhabitants of Amelia township and others, he had laid out a town by the name of Belleville, on the Congaree river, on lands his property, and had forever given and granted to the public of this State the streets in the said town, and also several lots of land for a church and glebe, free school, town house, gaol, fair, and market place, agreeable to a plan to the said petition annexed, and had also given and granted forever to such person or persons as are or may be inhabitants of the said town, or shall hold a lot or lots within the same, one hundred acres of land adjoining to the western side of the said town as a common; and in order to encourage the trade and commerce of that part of the country, the said William Thompson prayed that two market days might by law be established in the said town in each week, and public fairs kept and held there at least twice in every year, for exposing to sale horses, cattle, grain, hemp, flax, tobacco, indigo, madder, and all sorts of produce and merchandise; and that such markets and fairs be invested with such liberties and privileges as to the same commonly belong or appertain.

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all and singular the streets laid out in the said town be forever public, and that the several lots of land designated in the plan of the said town hereunto annexed, for a church and glebe, free school, town house, gaol, market place, and fair, be vested in the public of this State, and appropriated to those purposes respectively forever, and that one hundred acres of land adjoining to the western side of the said town be always Streets, &c. laid out in Belleville to be forever public.

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held and reserved as a common for such person or persons as are or may be inhabitants of the said town, or do or shall hold a lot or lots within the same.

Markets to be held without paying any toll.

II. *And be it further enacted* by the authority aforesaid, That there shall be held and kept in the town of Belleville aforesaid, upon every Tuesday and Saturday in the week, public and open markets, to which markets it shall and may be lawful to and for all the inhabitants and sojourners of this or any of the United States to go, frequent, and resort, and thither to carry all sorts of cattle, grain, and victuals, provisions, and other necessities, together with all sorts of merchandise whatsoever, and at the public market place already appointed and assigned for that purpose, them to expose to sale or barter, in gross or by retail, between sunrising and sun-setting of the same days, without payment of any toll, or any other let or hindrance or molestation whatsoever.

Two fairs to be held each year. Inhabitants to choose directors and a clerk of the markets.

III. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in the town of Belleville aforesaid, two fairs in each year, the first annual, to begin and commence the third Tuesday in May, in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer, and the second fair to begin and commence the last Tuesday in October in every year, and to end on the Friday following, being in all four days inclusive, and no longer; to which fairs it shall and may be lawful for all and every person or persons, inhabitants, strangers, or sojourners of this or the United States, to the said fairs to go, frequent, and resort, and thither to carry or cause to be carried, all sorts of cattle, horses, mares, colts, grain, victuals, provisions, hemp, flax, tobacco, indigo, madder, and all sorts of merchandise of what nature soever, and them to expose to sale or barter, in gross or by retail, at the times, hours, and seasons, that the directors or rulers of the said fairs for the time being shall proclaim and appoint; which fairs shall be holden, together with a court of pipowders, and with all liberties and free customs to such fairs appertaining, or which ought or may appertain, according to the usage and custom of fairs; and for the more regular government of the said several fairs, the majority of the inhabitants of the said town are authorized and empowered to elect and appoint such person or persons as they shall think fit to be directors or rulers of the said fairs; as also a clerk of the market; which directors or rulers so appointed and commissioned as aforesaid, are hereby authorized and empowered to have and hold a court of pipowder, together with all liberty and free customs to such appertaining; and that they and every of them may have and hold there, at their and every of their respective courts, from day to day and hour to hour, from time to time upon all occasions, complaints and pleas of a court of pipowders, together with all summons, attachments, arrests, issues, fines, redemptions and commodities, and other rights whatsoever to the said court of pipowders appertaining, without any impediment, let, or hindrance whatsoever: Provided always, that the directors or rulers of the fair aforesaid, shall publish or cause to be published within and without the liberties of the said fairs, at the beginning of the fair, how long that fair shall endure, to the intent that merchants and others shall not be at the said fairs over the time so published, upon pain of being fined for the same.

Proviso.

Directors of the fairs to appoint the place where they shall be held.

IV. *And for preventing of any abuse in the aforesaid fairs, Be it further enacted* by the authority aforesaid, That the directors or rulers of the said fairs shall yearly appoint and limit out a special and certain open place within the town of Belleville aforesaid, or both or either of the public squares, where the said fairs shall be held and kept, where horses, mares, colts, geldings, and cattle, may be sold; in which said

certain and open place there shall be by the directors or rulers aforesaid put in and appointed one sufficient person or more, to take toll, and keep the same place from nine of the clock in the morning until sunset of every day of the aforesaid fairs, upon pain to lose and forfeit upon every default one pound sterling; and that every tollgatherer, his deputy or deputies, shall, during the time of every of the said fairs, take the sum of sixpence sterling, due and lawful toll, for every horse, mare, gelding, or colt, or cattle, and one shilling sterling for every slave, and one penny sterling for every hog, sheep, or calf, sold within the said fair between the hours of nine o'clock in the morning and sunset of the same day, and shall have present at the taking of the same toll, the parties of the bargain, exchange, gift, contract, or putting away, every such horse, mare, gelding, colt, or slave, and also the same horse, mare, gelding, colt, or slave, so sold, exchanged, or put away, and shall then write, or cause to be written, in a book to be kept for that purpose, the names, surnames, and dwelling places, of all the said parties, and the color, with one special mark at least, of every such horse, mare, gelding, colt, or other cattle, and the name or some noted description of the slave, on pain to forfeit for every default contrary to the intent thereof, the sum of twenty shillings sterling; and the said tollgatherer or keeper of the said book shall, within two days next after such fair, bring and deliver his said book to the directors or rulers of the said fair, who shall then cause a note to be made of the true numbers of all horses, mares, geldings, colts, cattle, or slaves, sold at the said fair, and shall there subscribe his name, upon pain to him who shall make default thereof to lose and forfeit for every default the sum of twenty shillings sterling, and also to answer to the party grieved by reason of the same his negligence in every behalf.

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Toll to be taken for horses, mares, &amp;c.

V. *And be it further enacted* by the authority aforesaid, That no person during the time of holding and keeping the said fairs, shall be liable to be taken at the said fairs by virtue of any process, except for treason, felony, or other capital crime, or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said fairs, by the justices and judges of such courts out of which the process was issued.

No person to be arrested at fairs except for treason, felony, etc.

VI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, shall be recovered by warrant under the hand and seal of any one justice of the peace of the said county, and be disposed of, one-half to the poor of the said town, and the other half to him or them that will prosecute for the same.

Fines, how to be disposed of,

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, shall be disposed of in manner aforesaid, and be recovered by warrant under the hand and seal of any one justice of the peace of the said district.

Before whom recovered.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

[Plat of the town omitted.]

A. D. 1783.

- No. 1179.** *AN ACT TO REPEAL AN ACT ENTITLED "An Act to vest in the Congress of the United States a power to levy duties of five per centum ad valorem, on certain Goods and Merchandise imported into this State, and on Prizes and Prize Goods condemned in the Court of Admiralty of this State, and for appropriating the same."*

Preamble.

WHEREAS, the Legislature, at their last sitting, desirous of strengthening the hands of the United States in Congress assembled, passed an Act entitled "An Act to vest in the Congress of the United States a power to levy duties of five per centum ad valorem, on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the court of admiralty of this State, and for appropriating the same." And whereas, the State of Rhode Island hath refused to vest Congress with such powers, and the Commonwealth of Virginia hath repealed the law by which Congress were empowered to impose the duties of five per centum on such goods as should be imported into that State; and whereas, it is repugnant to the commercial interest of this State to continue the Act passed at the last session;

Repealing certain powers granted to Congress.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met in General Assembly, and by the authority of the same, That the said Act be, and the same is hereby, repealed.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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- No. 1180.** *AN ACT respecting Suits for the recovery of Debts.*

(Passed March 16, 1783. *See last volume.*)

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- No. 1181.** *AN ACT for establishing several Ferries therein mentioned.*

(Passed March 16, 1783. *See last volume.*)

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- No. 1182.** *AN ORDINANCE to empower commissioners therein named, to cut and sink Drains and Water Passages in the Swamp and Savannas formed by the northeast branch of Stono river.*

(Passed March 16, 1783. *See last volume.*)

A. D. 1783.

**AN ORDINANCE FOR APPOINTING COMMISSIONERS IN EACH OF THE No. 1183.**  
**CIRCUIT COURT DISTRICTS, FOR DIVIDING THE SAME INTO COUNTIES.**

**WHEREAS**, it is necessary to divide this State into counties of a convenient size, in order to the establishment of courts of inferior jurisdiction; Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several commissioners hereinafter named are hereby empowered and directed to lay off and divide the respective districts hereinafter assigned to them, into counties of a convenient size, of not more than forty miles square, unless where the number of inhabitants and situation of the lands require some deviation; that the said commissioners shall recommend a proper place as nearly central as possible in each of the said counties, for erecting court houses and goals, and shall make report thereof to the first session of the General Assembly, to be held after the last day of December next; and they are hereby authorized and empowered at the public expence to employ surveyors, where they shall deem it absolutely necessary, to fix and ascertain the boundary lines of each district or county respectively. Districts to be divided into counties.

II. *And be it further ordained* by the authority aforesaid, That Francis Marion, Col. Thomas Scriven, Roger Parker Saunders, William Skirving, William Saunders, Benjamin Waring and Alexander Moultrie, shall be, and they are hereby appointed, commissioners for the District of Charlestown; and John Cogdell, Hugh Horry, John Baxter, John McCaully, John Dozier, Elias Horry, Jun. and Stephen Ford, for the district of Georgetown; and Lam Benton, Thomas Powe, Tristram Thomas, Claudius Pegues, Jr. George Pawley, Elias Dubois and William Strother, for the district of Cheraws; and Thomas Sumpter, Richard Richardson, Frederick Kimball, Thomas Taylor, Richard Winn, Edward Lacey and John Moffatt, for the district of Camden; and Andrew Pickens, Richard Anderson, Thomas Brandon, Levi Keysey, Philemon Waters, Arthur Simkins and Simon Berwick, for the district of Ninety-Six; and William Arthur, George Robinson, William Thomson, John Parkinson, George Rennarson, Charles Middleton and Uriah Goodwyn, for the district of Orangeburg; and Thomas Cater, Paul Porcher, Joseph Brailsford, William Adams, Thomas Talbird, William Heyward and Godin Guerard, for the district of Beaufort. Commissioners appointed.

III. *And be it further ordained* by the authority aforesaid, That the commissioners herein before mentioned for Georgetown district, shall be, and they are hereby, authorized and required to lay out the lots in a town in Prince George's parish by the name of Kingston, agreeable to the plan thereof. Town lots to be laid out in Kingston.

IV. *And be it further ordained* by the authority aforesaid, That if any of the said commissioners shall die or remove out of this State, the remaining commissioners for the district where such vacancy shall happen, shall and may appoint other commissioner or commissioners in their room, who shall be liable to the same duties and subject to the same penalties as the commissioners herein first appointed. Vacancies, how filled.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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A. D. 1783.

**No. 1184. AN ORDINANCE FOR REGULATING ALL VENDUES WITHIN THIS STATE ;  
AND FOR RAISING SUPPLIES TO GOVERNMENT, THEREIN MENTIONED.**

**Preamble.** WHEREAS, it is necessary for the support of Government that a duty of two and a half per cent should be laid upon all sales of land, negroes, goods, wares and merchandizes, as shall be sold at public auction in this State, (except as hereinafter excepted ;)

**Auctioneers to pay two and a half per cent. on all sales.** I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, and by the authority of the same, that from and after the passing of this Ordinance all and every auctioneer or vendue master, shall stop out of the sales of all lands, negroes, goods, wares and merchandizes, two and a half per cent., except such as shall have belonged to some person who shall have died in this State, or insolvent debtors, or sales upon auction for debt or effects seized for rent, or lands, negroes or effects sold under decree of the Court of Chancery, which said duty shall be paid into the treasury of this State, for the use and service thereof.

**Who shall be auctioneers.** II. And for the more certain collecting of the said duty, *Be it ordained* by the authority aforesaid, That from and immediately after the passing of this Ordinance no person shall act as vendue master or auctioneer unless he shall have been a citizen of this State, or was a citizen of any of the United States, twelve months ; and that every person and all persons previous to his or their acting as vendue masters or auctioneers, shall give bond under a penalty of one thousand pounds sterling, with sufficient security, to the treasurers of this State, (if in Charlestown,) or if out of the said town to the collectors of the parish or district where such vendue master or auctioneer shall make such vendue or auction, to give an account at the end of every two months upon oath, to the said treasurer or collectors of the taxes, of all lands, houses, goods, wares and merchandizes so sold at vendue or public auction, (except as before excepted ; ) and the said treasurers and collectors are hereby authorized and required to call upon the said vendue masters or auctioneers respectively, once in every two months, to render an account of the sales made as aforesaid ; and in case of any neglect or refusal to render such account by the said vendue master or auctioneer, upon oath, the said treasurers and collectors are hereby authorized and required to commence an action against him or them for the recovery of the penalty aforesaid, and also for the recovery of whatever shall appear to be due to the public of this State in consequence of the duty imposed as aforesaid.

**Penalty on neglect.**

**Penalty for acting as auctioneer without giving bond.** III. *And be it further ordained* by the authority aforesaid, That in case any person or persons shall sell or expose to sale, by public auction, any negroes, lands, goods, wares or merchandize, before he or they shall have given bond with security as aforesaid, every such person or persons shall on every public sale or auction so made, forfeit the sum of five hundred pounds sterling, to be recovered by action of debt, which shall be sued for by the treasurers or collectors aforesaid, as the case may be, in the court of common pleas of this State, wherein no imparlance, protection or wager at law shall be allowed.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1783.

No. 1185.

## AN ORDINANCE FOR SETTLING A DEPRECIATION TABLE.

WHEREAS, the Congress of the United States of North America, and the Legislature of this State, have been compelled to issue large sums of paper money to enable them to carry on the war which has been waged against these States by the King of Great Britain, which money has from time to time greatly depreciated in value; and whereas, many contracts have been made between the citizens of this State whilst paper money was in circulation, which contracts are still unsettled; and the public have borrowed on loan considerable sums of money; for the adjustment of which demands it is necessary that a scale of depreciation should be fixed and settled;

Preamble.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the table of depreciation hereunto annexed, shall be the rule for the determination of all differences which may arise on any contracts which have been made in this State by any private persons and which still subsist. Differences arising on contracts to be settled by the annexed table.

II. *And be it further ordained* by the authority aforesaid, That in the settlement of the depreciation on such contracts, the value of the money shall be fixed at the time the contract was made, and not at the time the contract was to have been fulfilled.

III. *And be it further ordained* by the authority aforesaid, That all debts which were due antecedent to the depreciation and have since been settled by bonds or notes which are still subsisting and unpaid, the debtor shall be liable to discharge the said debt according to its real value at the time of the original contract.

IV. *And be it further ordained* by the authority aforesaid, That the auditor be, and he is hereby, authorized, empowered and required to liquidate all the demands which subsist against the public, by the table hereunto annexed.

V. And whereas, many persons who had put into the treasury on loan considerable sums of money, at an interest of seven per cent. per annum, did on the interest being raised to ten per cent. exchange their old indents for indents bearing an interest of ten per cent., but it is nevertheless just and reasonable that the money due to such persons shall be paid according to its true value at the time it was lent to the public; *Be it therefore ordained* by the authority aforesaid, That in the settlement of the demands of the public creditors who placed their money into the treasury on loan, relation shall be had to the date of the first indents, and the demands of such creditors having been liquidated thereby, the commissioners of the treasury shall give them a new indent for the same; provided nevertheless, that the interest which shall be allowed on the said sums of money due by the said indents shall be that at which the money was originally lent.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1783.

|            | Value of £100 specie<br>by the depreciation on<br>rice, indigo and ne-<br>groes. | Value of £100 specie<br>by the British specie<br>depreciation table. | Value of £100 specie<br>in the depreciated pa-<br>per currency, taken<br>from the average of<br>the two foregoing ta-<br>bles, for the months<br>opposite which the<br>sums are placed. |
|------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1777.      |                                                                                  |                                                                      |                                                                                                                                                                                         |
| April,     |                                                                                  |                                                                      | 108 10                                                                                                                                                                                  |
| May,       | 124                                                                              | 127                                                                  | 117                                                                                                                                                                                     |
| June,      |                                                                                  |                                                                      | 125 10                                                                                                                                                                                  |
| July,      |                                                                                  |                                                                      | 139                                                                                                                                                                                     |
| August,    | 156                                                                              | 176                                                                  | 152 10                                                                                                                                                                                  |
| September, |                                                                                  |                                                                      | 166                                                                                                                                                                                     |
| October,   |                                                                                  |                                                                      | 186                                                                                                                                                                                     |
| November,  | 166                                                                              | 287                                                                  | 206                                                                                                                                                                                     |
| December,  |                                                                                  |                                                                      | 226 10                                                                                                                                                                                  |
| 1778.      |                                                                                  |                                                                      |                                                                                                                                                                                         |
| January,   | 181                                                                              | 262                                                                  | 221 10                                                                                                                                                                                  |
| February,  | 186                                                                              | 237                                                                  | 211 10                                                                                                                                                                                  |
| March,     | 197                                                                              | 338                                                                  | 267 10                                                                                                                                                                                  |
| April,     | 194                                                                              | 440                                                                  | 317                                                                                                                                                                                     |
| May,       | 196                                                                              | 461                                                                  | 328 10                                                                                                                                                                                  |
| June,      | 212                                                                              | 483                                                                  | 347 10                                                                                                                                                                                  |
| July,      | 218                                                                              | 491                                                                  | 354 10                                                                                                                                                                                  |
| August,    | 223                                                                              | 500                                                                  | 361 10                                                                                                                                                                                  |
| September, | 230                                                                              | 531                                                                  | 380 10                                                                                                                                                                                  |
| October,   | 247                                                                              | 563                                                                  | 405                                                                                                                                                                                     |
| November,  | 260                                                                              | 781                                                                  | 520 10                                                                                                                                                                                  |
| December,  | 258                                                                              | 1000                                                                 | 629                                                                                                                                                                                     |
| 1779.      |                                                                                  |                                                                      |                                                                                                                                                                                         |
| January,   | 272                                                                              | 1250                                                                 | 761                                                                                                                                                                                     |
| February,  | 314                                                                              | 1350                                                                 | 832                                                                                                                                                                                     |
| March,     | 387                                                                              | 1400                                                                 | 893 10                                                                                                                                                                                  |
| April,     | 483                                                                              | 1450                                                                 | 966 10                                                                                                                                                                                  |
| May,       | 550                                                                              | 1350                                                                 | 950                                                                                                                                                                                     |
| June,      | 634                                                                              | 1720                                                                 | 1177                                                                                                                                                                                    |
| July,      | 830                                                                              | 2085                                                                 | 1457 10                                                                                                                                                                                 |
| August,    | 935                                                                              | 2340                                                                 | 1637 10                                                                                                                                                                                 |
| September, | 1136                                                                             | 2100                                                                 | 1618                                                                                                                                                                                    |
| October,   | 1170                                                                             | 2911                                                                 | 2040 10                                                                                                                                                                                 |
| November,  | 1708                                                                             | 3485                                                                 | 2596 10                                                                                                                                                                                 |
| December,  | 2633                                                                             | 3833                                                                 | 3233                                                                                                                                                                                    |
| 1780.      |                                                                                  |                                                                      |                                                                                                                                                                                         |
| January,   | 3093                                                                             | 4457                                                                 | 3775                                                                                                                                                                                    |
| February,  | 3353                                                                             | 5081                                                                 | 4217                                                                                                                                                                                    |
| March,     | 3613                                                                             | 5705                                                                 | 4659                                                                                                                                                                                    |
| April,     | 3873                                                                             | 6329                                                                 | 5101                                                                                                                                                                                    |
| May 10th,  | 3960                                                                             | 6537                                                                 | 5248 10                                                                                                                                                                                 |

No. 1186. *AN ORDINANCE* FOR REPAIRING AND REBUILDING THE COURT HOUSES  
AND GOALS IN THE SEVERAL DISTRICTS OF THIS STATE.

WHEREAS, it is very necessary that the court houses and goals throughout this State should be repaired or built as soon as possible;

I. *Be it ordained*, by the honorable the Senate and the House of Representatives of this State, and by the authority of the same, That his Excellency the Governor be, and he is hereby, empowered to appoint Commissioners to be appointed by Governor. commissioners in each District to agree with proper persons to under-

take the repairing or rebuilding the court houses and goals, where necessary, in the several districts of this State.

A. D. 1763.

II. *And be it further ordained*, by the authority of the same, That the said commissioners be authorized and empowered to give certificates for defraying the expence of the said repairs and buildings in the district for which they shall be respectively appointed; which certificate shall be received in payment as specie at all sales of public property, (except such as may be ordered by his Excellency the Governor for special purposes,) and also in payment of taxes imposed by the authority of this State.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senat.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR LAYING AND LEVYING CERTAIN IMPOSTS AND No. 1187.**  
DUTIES THEREIN MENTIONED, IN AID OF THE PUBLIC REVENUE.

WHEREAS, the public exigencies require that the several imposts and duties hereinafter mentioned, should be laid and granted in aid of the public taxes of this State; Preamble.

I. *Be it ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the treasury for the time being shall demand and receive of and from all and every person and persons, to whom licence shall or may be granted, by the justices assembled according to law on the Monday in Easter week and the first Monday in August next, for keeping any tavern or punch house in Charlestown, or for retailing spirituous liquors in any smaller quantity than three gallons, the sum of five pounds sterling for every such licence, over and besides any sum or sums that may now be demanded or taken by any law of this State; and also from every person or persons to whom any licence shall be granted for keeping a billiard table within Charlestown aforesaid, or the parishes of St. Michaels or St. Philips, the sum of twelve pounds like money, over and besides what he or she are now liable to pay by law.

Tax on  
licences to re-  
tail liquor and  
keep billiard  
tables.

II. *And be it further ordained* by the authority aforesaid; That the several persons to whom licences for keeping taverns or punch houses, or billiard tables, or for retailing spirituous liquors in any quantity less than three gallons, in any other part of this State, shall be granted by the justices of the several districts or parishes, assembled on Monday in Easter week and first Monday in August next, shall be, and they are hereby, obliged to produce a certificate of such licence before the ordinary of the district, (except in Charlestown district, in which district application shall be always made to the commissioners of the treasury as aforesaid,) wherein such tavern, punch house or billiard table, or house for retailing such spirituous liquors as aforesaid, shall be situate; and the said ordinaries are hereby required on the production of such certificate to

When and by  
whom licences  
may be  
granted.

A. D. 1783.

grant a licence or permission, under their hands and seals, to such person, for which they shall receive and take from such person or persons the sum of one dollar, for the attendance, trouble and licence so granted by such ordinary, and also twelve pounds for the licence for such billiard table, over and above what the keeper or keepers are now liable to pay by law, and fifty shillings for every such tavern or other licence; for the use of this State, which shall be paid into the public treasury of this State within three months after the receipt thereof, under the penalty of fifty pounds sterling for every neglect or default.

Penalty for  
keeping tavern,  
&c. without  
licence.

III. *And be it further ordained* by the authority aforesaid, That if any person or persons either in Charlestown or in any part of the country of this State, shall presume to keep a tavern or punch house, or house, booth, waggon or shed for retailing spirituous liquors, or a billiard table, without such licence or permission as is pointed out or directed by this Ordinance, he, she or they shall forfeit and pay the sum of fifty pounds sterling for every such offence, to be recovered by bill, plaint or information in the court of common pleas of this State, by any person who shall inform and sue for the same; provided, that if no board of justices shall be held in Charlestown for granting such licences, or in any particular district or part of the country of this State, that it shall and may be lawful to and for the commissioners of the treasury of this State, if in Charlestown, to grant such licence as is directed by virtue of this Ordinance, and to and for any three justices of the peace, one of whom to be of the quorum, in any country district; which licences shall be as full and effectual to all intents and purposes as if granted by any of the said boards of justices assembled according to law.

Duty on  
liquors import-  
ed.

IV. *And be it further ordained* by the authority aforesaid, That the collectors of the customs at the several ports of entry of this State shall receive and take for the use of this State a duty of four pence sterling, per gallon, for every gallon of wine, rum, brandy, gin, taffia, anniseed, liqueurs, or other spirituous liquor, that shall or may be imported into this State, to be paid or secured to be paid within six months after the time of entry of the same.

Duty on play-  
ing cards.

V. *And be it further ordained* by the authority aforesaid, That the said collectors shall in like manner levy and take the sum of four pence sterling on every pack of playing cards imported into this State, to be paid at the time of importation.

A former Act  
revived.

VI. *And be it further ordained* by the authority aforesaid, That all and every the powers, authorities and restrictions laid down and expressed in an Act of the Legislature of this State, passed heretofore the fifth day of April, in the year of our Lord one thousand seven hundred and forty, commonly called the general duty Act, shall be, and the same are hereby, revived and renewed, so as to enable the said collectors to levy, recover and receive the duties laid and imposed by virtue of this ordinance; and that all the pains and penalties in the same Act mentioned and expressed, shall be extended to persons committing any offence or fraud against the present Ordinance.

How penalties  
shall be  
recovered.

VII. *And be it further ordained* by the authority aforesaid, That all and every penalty that shall be forfeited or become due by virtue of this Ordinance, or the said in part recited Act, in so far as the same concerns the present ordinance, shall and may be recovered by any plaintiff or informer, by bill, plaint or information in the court of common pleas of this State, wherein every exemption, protection and benefit shall be

allowed to the parties suing or informing that are allowed by the aforesaid Act or any other law or ordinance of this State.

A. D. 1783.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE FOR THE BETTER DEFENCE AND SECURITY OF THIS STATE, DURING THE RECESS OF THE GENERAL ASSEMBLY. No. 1188.**

WHEREAS, in times of danger and invasion it becomes the policy of republics to concentrate the powers of government in the hands of the supreme magistracy, for a limited time, to give vigour and dispatch to the means of safety; and whereas, from the present situation of affairs in this State, it behoves us, for our common safety, to follow such example, and by such well timed confidence in the servants of the community, (acting under the authority of the people,) to enable us to defeat the views and designs of our enemy:

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-chief of this State for the time being, with the advice and consent of the Privy Council, on an actual invasion, or on his receiving credible information of a formidable invasion being meditated against the State, and during the continuance of such invasion, to embody, array and dispose of any part of the militia and Charlestown battalion of artillery, of this State, (provided, that not more than one half part of the militia be drawn forth into actual service,) except the militia of those regiments belonging to the parts immediately invaded, or within eighty miles of the same; and to form any camp or camps, in such manner as may most effectually and expeditiously counteract the designs and operations of our enemies, and tend to the public safety; and that the Governor or Commander-in-chief, with the advice and consent of the Privy Council, shall make a proper provision for the family of any poor person who shall be draughted or ordered to take the field, in such manner as shall most readily relieve any such family from any distress or want, by the absence of such person so draughted or ordered.

Certain powers vested in the Governor and Privy Council.

II. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the Privy Council, on receiving such information, and during such invasion as aforesaid, to do all such matters and things which in their opinion may be judged expedient and necessary, to secure the liberty, safety and happiness of this State; provided, it does not extend to subject the militia to articles of war for the regulation of the continental or state troops, and to the taking away the life of a citizen without a legal trial.

Powers of the Governor.

III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the ad-

A. D. 1783.

Goods, &c.  
may be seized  
for the public  
service.

vice and consent of the Privy Council, on receiving such information, and during such invasion as aforesaid, if it shall be deemed requisite for the public service, by warrant or order under the Governor's hand, to cause any vessels, shops, storehouses, cellars, and other suspected places, to be searched and opened, by forcing locks, bars and fastenings, where it may be suspected any stores of necessaries were stored or concealed, which may be wanted for public service, and to seize the same for the public use; which said articles so seized shall be paid for at the prices then current, and if that should be inconvenient, that certificates, as heretofore, be given for the same; and that for all such expences to be incurred by the execution of the powers and authorities given by this ordinance, the public faith is hereby pledged, and this State made liable.

A quorum of  
the Council not  
meeting, those  
present may  
transact busi-  
ness.

IV. *And be it further ordained* by the authority aforesaid, That if at any time a quorum of the Privy Council of this State cannot be assembled as expeditiously as any emergency may require, it shall be lawful for the Governor or Commander-in-chief for the time being to carry into execution, with the advice of such of them as can be convened, the powers and authorities given by this or any other Act or ordinance; any law or ordinance to the contrary in any wise notwithstanding.

General issue  
may be  
pleaded.

V. *And be it further ordained* by the authority aforesaid, That if any person or persons shall be sued or molested in any manner, for any matter, cause or thing done or caused to be done in pursuance of this ordinance, it shall and may be lawful for any such person or persons to plead the general issue, and give this ordinance and the special matter in evidence.

Limitation of  
this ordinance.

VI. *And be it further ordained* by the authority aforesaid, That this ordinance, and every matter therein contained, shall be of force and continue until ten days after the next meeting and sitting of the General Assembly, and no longer; unless official intelligence shall have been sooner received of a general peace concluded between the United States of America and her allies, with Great Britain, in which case this ordinance and every matter and thing therein contained shall cease and determine, and be as utterly void and of none effect as if the same had never been made.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**No. 1189. AN ORDINANCE FOR DISPOSING OF THE ESTATES OF CERTAIN PERSONS, SUBJECTS AND ADHERENTS OF THE BRITISH GOVERNMENT; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

Preamble.

WHEREAS, many of the former citizens of this State, in violation of their allegiance, have withdrawn themselves and joined the enemies thereof;

The estates of  
persons adher-  
ing to the Brit-  
ish, declared  
confiscated.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the estates, both real and personal, of such persons heretofore citizens of this State who have withdrawn themselves

from the same and adhered to the British government, are hereby declared to be vested in the commissioners of confiscated estates, in the same manner, and for the several uses, intents and purposes, as is hereinafter mentioned. A. D. 1783.

II. *And be it further ordained* by the authority aforesaid, That the commanding officers of the several regiments of militia of this State shall be, and they are hereby, directed, within three months after passing this ordinance to make a just and true return to the said commissioners, upon being required by them so to do, of all such person or persons formerly belonging to their respective regiments, who have joined the enemy and withdrawn themselves as aforesaid; and if any of the said commanding officers shall neglect to make just and true returns, according to the best of their knowledge, by the time hereinbefore specified, each and every of the said commanding officers shall forfeit and pay the sum of five hundred pounds sterling, to be recovered by any person who shall inform and sue for the same, in any court of record within this State. Commanding officers of the militia to make return of such persons.

III. *And be it further ordained* by the authority aforesaid, That the said commissioners of confiscated estates are hereby impowered and directed, on giving eight weeks public notice, to sell and dispose of all such property, both real and personal, by auction, to the highest bidder, taking bond with good and sufficient security for the purchase money thereof, payable in the following manner, to wit, one half of the purchase money to be paid within twelve months, and the other half within two years from the respective times of such sales, with legal interest thereon; which bonds shall be made payable to the commissioners of the treasury for the time being, and lodged in the public treasury, for the use of this State. Commissioners to sell the said estates.

IV. *And be it further ordained* by the authority aforesaid, That the said commissioners of confiscated estates, respecting the said real and personal property herein directed to be sold, shall, and they are hereby entitled to, receive the same commissions as by the Confiscation Act, passed at Jacksonburgh, they are authorized to receive on sales under the said Act, and no more. Allowance to commissioners.

V. *And be it further ordained* by the authority aforesaid, That all such person or persons who have withdrawn themselves as aforesaid, shall have free liberty to return to this State, for the purpose of undergoing a trial at law for all such crimes and misdemeanors which he or they may have committed against the persons or property of the good citizens of this State; which said return and trial, and acquittal thereupon, shall make void and of no effect every thing herein contained, as to such person or persons; provided that all such person or persons do, and they shall, within six months from the end of the present sessions of the General Assembly, return to this State, and be tried as aforesaid; and if any of the said person or persons shall return to this State after the expiration of the said six months, he and they shall and they are hereby declared to be a felon convict, and shall suffer death, without benefit of clergy. Persons who have withdrawn may return to take their trials.

VI. *And be it further ordained* by the authority aforesaid, That the lands on the river Savannah lately possessed by the Chicasaw Indians, who have deserted to the enemy, together with the lands whereon Fort Charlotte and Fort Independence were erected, shall and they are hereby declared to be vested in the said commissioners of confiscated estates, to be disposed of in the same manner and for the same uses, intents and purposes, as the real and personal property before mentioned; which said lands shall be divided and sold in lots, as by the Confiscation Act, with regard to the lands therein mentioned, is directed; provided always, that Chickasaw and other lands to be sold.

A. D. 1783.

in the division of the Chicasaw lands, no lots shall contain an extent on the river of more than twenty chains.

This a public ordinance.

VII. *And be it further ordained* by the authority aforesaid, That this ordinance shall, and is hereby declared to, be a public ordinance, to all intents and purposes, and shall be published in the Gazettes printed in this State, for three weeks, from and immediately after the end of the present sessions of the General Assembly.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1190. *AN ACT TO IMPOSE CERTAIN DUTIES ON GOODS TO BE IMPORTED INTO THIS STATE.*

Preamble.

WHEREAS, the United States, in Congress assembled, recommended certain duties on enumerated articles, and a duty of five per centum on all other imported goods, wares and merchandises, to be imposed on the respective States, in order to form a general fund for the payment of the principal and interest of the debts contracted by the United States; and the Legislature of this State are desirous of evincing their willingness to support the public credit, and to comply with the recommendations of Congress, as far as they think it consistent with their duty to their constituents;

Certain duties, recommended by Congress, imposed

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met and sitting, and by the authority of the same, That the duties recommended by Congress to be laid on the articles by them enumerated in their said recommendation, and a duty of five per centum on the value of all other goods imported into this State, from any foreign port, island or plantation, shall be imposed and laid for the space of twenty-five years, as soon as each and every of the United States shall impose equal duties upon the said enumerated articles and goods, to be imported into the said States respectively.

How to be collected and appropriated.

II. *And be it further enacted* by the authority aforesaid, That the duties above imposed shall be levied and collected entirely by officers to be appointed for that purpose, in such manner as the Legislature of this State shall direct; and the monies therefrom arising shall be appropriated solely to the payment of this State's quota of the national expenditure, as Congress shall from time to time assess, agreeable to the confederation.

Part of a former act repealed.

III. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act for levying and collecting certain duties and imposts therein mentioned, in aid of the public revenue," passed during the present session of the General Assembly, shall cease and determine immediately on this Act being carried into execution; except such parts of the said Act as impose certain duties on tavern licences, billiard tables, and negroes.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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## AN ACT TO INCORPORATE CHARLESTON.

No. 1191.

(Passed the thirteenth day of August, 1783. *See last volume.*)

**AN ACT** TO OBLIGE ALL PUBLIC OFFICERS OF THIS STATE, WHO HAVE **No. 1192.**  
**BEEN ENTRUSTED WITH PUBLIC MONIES, PUBLIC STORES OF ANY KIND,**  
**OR OTHER PROPERTY, WHOSE ACCOUNTS ARE YET UNSETTLED, TO HAVE**  
**THEIR ACCOUNTS MADE UP.**

WHEREAS, from the many embarrassments this State has laboured under for some time past, a settlement of the public accounts has hitherto been rendered impracticable; and whereas, it is incumbent on the representatives of the freemen of this State, to call to a speedy and strict account all persons who have been entrusted with public money, or other property;

Preamble.

I. *Be it therefore enacted*, by the Senate and House of Representatives, of the State aforesaid, now met and sitting in General Assembly, and by the authority of the same, That all public officers of this State, appointed since the commencement of the revolution, who have been entrusted with public monies, public property of any kind, or the disposal thereof, whose accounts are yet unsettled, do, and they are hereby required to, have them regularly and fully made up, and that the same be by them respectively laid before the General Assembly, at their next meeting, to be examined and finally adjusted.

Public officers entrusted with monies, &c. to render an account to the General Assembly.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall refuse or neglect to render in his or their account, in manner as is hereinbefore mentioned, he or they so refusing or neglecting as aforesaid, shall be, and the attorney general of this State is hereby authorized and required to prosecute him or them in any court of law or equity in this State, for recovery of all such sum or sums of money or other property as shall have been entrusted with such person or persons as aforesaid, or for the discovery of such sum or sums of money or other property as shall have been so entrusted, and the expenditure thereof: Provided always, that nothing herein contained shall be construed to extend to any person or persons who are now absent from this State, or who shall be absent at the next meeting of the General Assembly, on public business or with leave of the executive authority, but that all such person or persons shall be allowed three months after their arrival within this State, or until the session next after the session of the General Assembly hereinbefore mentioned, for the exhibiting and settlement of their said accounts.

The attorney general to prosecute those who refuse or neglect.

Proviso.

III. *And be it further enacted* by the authority aforesaid, That in order to obtain a competent knowledge of such persons as have either had or given orders for public monies, public stores, or public property, of any kind, the commissioners of the treasury, and all other persons in whose hands the same have been entrusted, are hereby required, within thirty days after the end of the next session of the General Assembly, to furnish the attorney general with the names of such person or persons neglecting to render in his or their accounts as aforesaid, who is required to com-

Treasurers to furnish a list of the names of those who refuse or neglect to render an account.

**A. D. 1783.** mence prosecutions against such person or persons immediately thereafter, in which said suits no imparlance shall be allowed.

IV. *And be it further enacted* by the authority aforesaid, That all persons neglecting to render in their accounts as aforesaid, shall be rendered incapable of holding any office of trust or emolument under the authority of this State.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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No. 1193. AN ACT for the temporary regulation of the Militia of this State.  
(Passed August 13, 1783. See last volume.)

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No. 1194. AN ACT FOR REVIVING AND AMENDING "AN ACT FOR PREVENTING THE SPREADING OF MALIGNANT AND CONTAGIOUS DISTEMPERS," PASSED THE SEVENTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE.

Preamble:

WHEREAS, it is necessary to revive and amend the Act which hath been passed for preventing the spreading malignant and contagious distempers:

Act of 1759 revived.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the State aforesaid, in General Assembly met, and by the authority of the same, That an Act entitled "An Act for preventing as much as may be the spreading of malignant and contagious distempers," passed the seventh day of April, one thousand seven hundred and fifty-nine, is hereby, (excepting such parts thereof as is altered or amended by this Act, and excepting such parts as respects the small pox,) revived and continued, to be in full force and virtue for and during the space of five years from the passing of this Act.

Pest-house and warehouses to be built.

II. *And be it further enacted* by the authority aforesaid, That the Governor and Privy Council of this State shall, as soon as possible after the passing of this Act, appoint commissioners to cause new pest-houses to be erected on Sullivan's island, and on some island adjacent to each port of this State, for the purposes mentioned in the aforesaid Act hereinbefore mentioned to be revived, at the public expense, and shall also cause proper warehouses to be built at the public expense on the said islands, for the purposes hereinafter mentioned, and shall have power to draw on the treasury of this State out of the funds reserved for the use of the State by the general duty Act, for defraying the expenses to be incurred by this Act.

Vessels from the Mediterranean to be reported to the Governor.

III. *And be it further enacted* by the authority aforesaid, That on the arrival of any vessel within this State, from any parts within the Mediterranean, or from the Levant, the arrival of such vessel shall be reported to the Governor and Privy Council, (if such vessel arrives within the port of Charlestown,) before such vessel shall be suffered to pass Fort Johnston,

and before any one shall be suffered to land from such vessel in any part of this State; and if the Governor and Council apprehend any infectious disorder may be communicated by the cargo on board such vessel, they shall order the cargo on board every such vessel to be landed at the warehouse so erected on Sullivan's island, and there aired, and kept exposed to the air for not less than forty days, and until it shall be thought such infection contained in such cargo shall be got rid of.

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IV. *And be it further enacted* by the authority aforesaid, That every parcel or part of every cargo which shall be landed in any of the warehouses, as directed by this Act, to prevent the spreading of contagious distempers, shall be severally opened and taken to pieces, and its contents aired and exposed as directed by this Act; and that the same shall be done by the crew of the vessel in which the same shall be brought, under inspection of the keeper of the pest-house or lazaretto; and that any person not belonging to the crew of any vessel which shall land her cargo as aforesaid, or perform quarantine, who shall, without permission of the Governor, go to such island where any such cargo, landed by virtue of this Act, shall then be, or go on board any such vessel performing quarantine, shall, on conviction or proof thereof in any court of record in this State, forfeit, and shall pay, one-half to the use of this State and the other half to the use of the informer or person suing for the same, the sum of one hundred pounds sterling, to be recovered in such courts as aforesaid, wherein no essoign, wager, or protection of law, nor more than one impurance, shall be allowed.

Cargoes of vessels to be deposited in warehouses to be aired; and no person allowed to go on board without permission of the Governor.

V. *And be it further enacted* by the authority aforesaid, That on the arrival of any vessel from the parts within the Mediterranean, or from the Levant aforesaid, within any of the ports of this State, (excepting Charlestown,) on board of which may be any cotton or woollens, the commander of the fort within such port shall not suffer any such vessel to pass until careful examination shall be made on the oath of the captain, or some officer belonging to such vessel, which the commander of such fort shall have power to administer such oath for inquiring into the nature of the cargo on board such vessel, and from what place shipped; and if such commander of such fort shall find any woollens or cottons, or other goods which are capable of conveying any infectious disorder, on board of any such vessel, and that the same are brought from places where the plague, or any malignant fever or infectious disorder (except the small pox) is prevalent or frequent, such commander of such fort shall order the cargo of every such vessel to be landed and lodged in the warehouse for the port where such commander is, to be aired as aforesaid, and not to be brought to any other place in less than forty days after the cargo has been so landed and aired, and not then until permitted by the Governor and Privy Council.

How their cargoes are to be landed.

VI. *And be it further enacted* by the authority aforesaid, That a small fort shall be established by the Governor and Privy Council, at public expense, in each of the ports of Beaufort and Georgetown, for the purposes of this Act.

Building forts.

VII. *And be it further enacted* by the authority aforesaid, That no vessel arriving within this State from any part of the Mediterranean, or from any part up the Levant, shall be suffered to land her cargo in any part of this State, if any such vessel shall not bring with her a bill of health from the ports from whence she came; and that all and every vessel and vessels arriving from such places, shall in every case be obliged to perform quarantine for not less than forty days, and such further time as the Go-

Vessels to bring a bill of health, and perform 40 days quarantine.

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No vessel to pass the forts or land her cargo, without a bill of health from a physician.

vernor and Privy Council shall think necessary, with the advice of such experienced physician or physicians as they shall consult.

VIII. *And be it further enacted* by the authority aforesaid, That the fifth clause of the Act hereinbefore mentioned, is hereby repealed and made null and void, and that no vessel arriving in any of the ports of this State from the places aforesaid, shall be suffered to pass the forts in such ports, or to land any of her cargo in any part of this State, until after having complied with this Act, and until a certificate shall be given to the Governor and Council of this State, by some experienced physician or physicians, whom they shall call on, of the health of all such persons on board of any such vessel, and of the cargo on board being free from all infection, or any contagious distemper; for which certificate the physician or physicians giving the same shall be entitled to receive at the expense of such vessel one guinea, and who shall likewise be paid by the commander or owner or owners of every such vessel, all expenses for hire of boat and hands in carrying such physician or physicians to and from such vessel.

Penalty for not complying with this act.

IX. *And be it further enacted* by the authority aforesaid, That every master, commander, or doctor, of any vessel coming into any of the ports or harbors of this State, who shall neglect or refuse to comply with the restrictions and directions of this Act, and any doctor of this State who, being called on by the Governor or Privy Council in manner and for the purposes mentioned in this Act, shall wilfully and knowingly give a false certificate, every such person so offending shall forfeit and be liable to, and obliged to pay, the sum of one hundred pounds sterling, to be recovered in any court of record in this State; the one-half to the use of this State, and the other half to the use of the informer or person suing for the same, wherein no essoign, wager, or protection of law, or more than one imparlance, shall be allowed.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1195. *AN ACT TO VEST ONE HUNDRED AND EIGHTY ACRES OF LAND, LATE THE PROPERTY OF JAMES HOLMES, IN CERTAIN PERSONS, IN TRUST, FOR THE BENEFIT OF A PUBLIC SCHOOL OR SEMINARY OF LEARNING, TO BE ESTABLISHED AT THE TOWN OF NINETY-SIX, AND FOR LAYING OUT THE SAID TOWN, AND DISPOSING OF THE LOTS.*

Land to be vested in trustees, to lay out a town and erect a public school.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives of the State aforesaid, in General Assembly met, and by the authority of the same, That one hundred and eighty acres of land in the district of Ninety-Six, late the property of James Holmes, and under confiscation, be, and are hereby, vested forever in fee simple, in the trustees hereinafter named, for the uses and purposes of laying out the same in town lots according to the plan hereunto annexed, and selling and disposing of such lots, and applying the moneys arising from the sales thereof, to and for the uses and purposes of erecting and supporting a public

school or seminary of learning at the town of Ninety-Six, and for laying out a common for the use of the said town. A. D. 1783.

II. *And be it further enacted* by the authority aforesaid, That the Rev. John Harris, John Ewing Calhoun, Andrew Pickens, Robert Anderson, Patrick Calhoun, John Bowie, and William Moore, and the survivors and survivor of them, is and are hereby appointed trustees and trustee, for supporting and erecting and maintaining the public school aforesaid, and are hereby fully vested with the fee simple of the said land hereinbefore mentioned, to hold to them and their survivors and survivor and successors in the said appointment of trustees forever, to and for the uses and purposes aforesaid; and they and their survivors and survivor and successors in the said appointment, are hereby made and constituted a corporation or body politic, by the name of the Trustees of the Ninety-Six Public School, and are to have a perpetual succession of officers and members, and a common seal, with power to make such regulations (subject to the Legislature and laws of this State, and not contrary to them) for the appointment, government, and regulation, of the said public school, the teachers and masters thereof, and for filling up all vacancies which shall happen in the said trust by death, removal, or resignation, and for doing all other matters and things, which to them, or a majority of them, shall appear necessary for the good government thereof; and to take and hold in perpetuity or otherwise, any donation or estate which may be given for the use of such public school or seminary of learning, so as the same does not exceed ten thousand dollars per annum; and to sell and dispose of any property; and to sue and be sued, implead and be impleaded, answer and be answered unto, in any court, as a corporation.

Names of the trustees.

Trustees to constitute a corporation.

III. *And be it further enacted* by the authority aforesaid, That if it shall hereafter appear that the claims on the estate of the said James Holmes amount to more than the residue of his estate confiscated by law, is sufficient to satisfy, in such case the claimants and the said trustees shall each appoint an appraiser to value the said one hundred and eighty acres of land, having regard to the worth thereof at the time it was confiscated; and if the said appraisers cannot agree upon the value thereof, they shall be empowered to choose an umpire to determine the same; and the said claimants shall be entitled to have their just debts and demands paid and satisfied out of the public treasury, to the value of the lands so appraised, in the same manner as the debts due to the other creditors of the confiscated estates are paid and satisfied.

How Holmes's debts shall be paid, if they are more than the rest of the estate can satisfy.

IV. *And be it further enacted* by the authority aforesaid, That such persons that held town lots in the old town of Ninety-Six, shall be entitled to a lot of equal quantity of land in the town to be laid out in pursuance of this Act, in such part of the town as the trustees shall choose, on giving up the old town lot in fee to the trustees mentioned in this Act; and that this Act shall be given in evidence in any court of law in this State without special pleading.

Persons giving up their lots in the town of Ninety-Six to have one of the same size in this.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

(Map of the town omitted.)

A. D. 1783.

No. 1196. *AN ACT* FOR LEVYING AND COLLECTING CERTAIN DUTIES AND IMPOSTS THEREIN MENTIONED, IN AID OF THE PUBLIC REVENUE.

Tax on  
licences to re-  
tail liquor and  
keep billiard  
tables.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all and every person and persons to whom licence shall or may be granted in manner hereinafter directed for keeping any tavern, inn, ordinary, punch, or ale house, or for retailing wine, brandy, rum, gin, beer, cider, punch, or any spirituous liquor or strong drink whatsoever, in any quantity less than three gallons, within the parishes of St. Philip or St. Michael, shall pay for every such licence the sum of ten pounds sterling money, to the commissioners of the treasury for the time being, for the use of this State; and all and every person and persons to whom licence shall or may be granted in manner hereinafter mentioned, for keeping a billiard table in the parishes of St. Philip or St. Michael, shall pay for every such licence the sum of fifty pounds sterling, to the commissioners of the treasury for the time being, for the use of this State; which licences shall be granted by the justices of peace resident in Charlestown, till the incorporation of the same, and then by the magistrates thereof; and every licence which shall be granted by virtue of this Act shall continue and be of force for the term of one year from the date thereof, and no longer.

Licences in the  
country.

II. *And be it further enacted* by the authority aforesaid, That (except within the limits of the above mentioned parishes,) two or more magistrates for the respective districts of this State shall be, and they are hereby, authorized and empowered, on every Easter Monday and the first Monday in August, to grant certificates to any person or persons in their respective districts who may apply for the same, if they in their judgment shall think such person or persons fit and qualified to keep a tavern, inn, ordinary, punch, ale house or billiard table, or to retail strong liquors, as aforesaid; and the person or persons to whom such certificate shall be by them granted, shall produce the same to the clerk of the court of sessions for the district in which he, she or they reside, and the clerk of the said court is hereby required, on the production of such certificate, to grant a licence under his hand and seal, agreeable to the purport of the said certificate, to such person or persons, who are to pay to the said clerk one dollar for his trouble in making out every such license, and also the sum of three pounds sterling for every licence to retail spirituous liquors, and the sum of fifty pounds sterling for every licence to keep a billiard table; which sum or sums the said clerks are respectively required to pay, or cause to be paid, into the public treasury of this State, within three months after the receipt thereof, under the penalty of fifty pounds sterling for every neglect or default.

Penalty for  
retailing, &c.  
without  
licence.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons within this State, not duly licenced in manner above directed, shall at any time presume to keep a billiard table, tavern, inn, ordinary, punch or ale house, or retail any wine, brandy, rum, gin, beer, cider, punch, or any spirituous liquor or strong drink whatsoever, in any quantity less than three gallons, he, she or they shall forfeit the sum of fifty pounds sterling for every such offence, to be recovered by bill, plaint or information in any court of record in this State, by any person who will inform and sue for the same; one half thereof to be paid to the said informer, and the other half to the public treasury for the use of this State; provided always, that nothing herein contained shall extend, or be construed to ex-

tend, to subject any person now keeping a billiard table or retailing spirituous liquors, under a licence granted by virtue of any former law of this State, to the above mentioned penalty, during the term for which such licence was granted.

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IV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, there shall be levied and paid the following duties and impositions on all negroes and other slaves hereafter to be imported into this State, by the person or persons importing the same, that is to say: for every negro or other slave, imported directly from Africa, of the height of four feet and upwards, the sum of three pounds sterling, and for every one under that height (sucking children excepted,) the sum of thirty shillings sterling; and the same duties shall be paid for African slaves imported from the West Indies, provided, they have not remained there above three months; but for all slaves imported from the West Indies who have remained longer there than three months, the sum of twenty pounds sterling shall be paid; provided always, that every person and persons coming here singly, or with their families, either as travellers or for the recovery of their healths, or to become residents in this State for at least two years, shall be allowed, duty free, all such slave or slaves as he, she or they shall bring with them, for his, her or their particular service; but if such slave or slaves is or shall be sold within two years within the State, the duty of ten pounds sterling shall be paid or secured to be paid for the same, within two days after such sale; and upon failure of paying or securing the payment of such duty within that time, the owner or disposer of such slave or slaves shall forfeit to the use of this State the sum of ten pounds sterling money for every slave so sold; and the slave or slaves so sold, shall nevertheless be subject to the said duty.

Duty on negroes.

V. *And be it further enacted* by the authority aforesaid, That all negroes liable to pay duty by this Act, agreeable to measurement, shall be measured by the waiter, in conjunction with the importer; and if any disputes shall arise relative to the height of the negroes so measured, the same shall be settled and determined by any justice of the peace, whose decision shall be final; and for every slave so measured by the waiter, he shall be entitled to receive from the importer six pence sterling.

Waiter's fees for measuring slaves.

VI. *And be it further enacted* by the authority aforesaid, That no negro or other slave liable to pay duty, upon being imported, by this Act, shall be landed in any part of this State, or suffered to quit the vessel in which he was brought to this State, before the duty hereby imposed on him or her be paid, or secured to be paid, by the importer or his agent; and if any negro or other slave shall be landed in any part of this State, or suffered to quit the vessel in which he was brought here, before such duty is paid, or secured to be paid, it shall and may be lawful for the collector or waiter, and he and they is, and are hereby, authorized and empowered to seize and take all and every such negro and other slave; and the said negroes and slaves so seized and taken, are hereby declared forfeited to the use of the State, to all intents and purposes whatsoever; and if the said negroes and other slaves cannot be found, then the importer shall forfeit the value of them, at the rate of sixty pounds sterling per head, the one moiety to the State and the other moiety to the collector or waiter who shall sue for them.

Penalty for neglecting to pay duty previous to landing negroes.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, all and every person and persons who shall import into this State any negroes or other slaves, or their agents or factors, to whom the same shall be consigned, shall be, and

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they are hereby, obliged and required, within eight and forty hours after the vessel in which such negroes or other slaves shall be imported shall have performed quarantine, to make an entry of all and every such negroes and slaves, and the place from whence they were brought, upon oath, in the office of the collector, upon pain of forfeiting the sum of ten pounds sterling to the use of this State, for every such negro or other slave that shall be so imported and of which no such entry shall be made as aforesaid, within the time aforesaid.

Duties on  
liquors, wines,  
&c.

VIII. *And be it also enacted* by the authority aforesaid, That immediately from and after the passing of this Act, the rates, duties and impositions hereinafter mentioned, shall be laid, imposed and paid on the importation into any part of this State of the liquors, spirits, goods, wares and merchandize hereinafter specified and enumerated, that is to say : on every gallon of taffia rum, one penny sterling ; on every gallon of Jamaica rum, brandy, gin, arrack, anniseed, and all other cordials and liquors, three pence sterling ; on every gallon of Windward Island and other rum, two pence sterling ; on every gallon of wine, of the growth and produce of the dominions of Portugal, four pence sterling ; on every gallon of wine, of the growth and produce of the dominions of Spain, three pence sterling ; on every gallon of wine, of the growth and produce of the dominions of France, and on all other wines, two pence sterling ; on every barrel of beer or malt liquor, containing thirty-two gallons, (except the produce of any of the United States,) two shillings sterling, and in proportion for every larger or smaller quantity ; on every barrel of cider, containing thirty-two gallons, (except the produce of any of the United States,) two shillings sterling, and in proportion for every larger or smaller quantity ; on every gallon of molasses, one penny sterling ; on every pack of playing cards, four pence sterling ; on every hundred weight of brown or clayed sugars, imported from any British island or plantations, two shillings sterling ; on every pound of refined sugar, imported from the same, one penny sterling ; on every hundred weight of brown or clayed sugars, imported from any of the dominions of France, Spain, Holland, Denmark or Sweden, one shilling and six pence sterling ; on every pound of refined sugar, from any the last mentioned dominions, one half penny sterling ; on every hundred weight of cocoa and pimento, five shillings sterling ; on every hundred weight of coffee, three shillings sterling ; on every pound of Bohea tea, four pence sterling ; on every pound of all other teas, one shilling sterling.

Importers to  
render mani-  
fests.

IX. *And be it further enacted* by the authority aforesaid, That every master of a ship or other vessel, or merchant or other person, intending to land here any of the aforesaid liquors, spirits or other goods, on which any duty or imposition is hereby laid, shall, within four and twenty hours after such ship or vessel shall be brought to an anchor in any port of this State, and before bulk be broken, make a general double entry, or two manifests, of his lading or cargo, which he shall sign and deliver upon oath to the collector of the customs, which manifests shall contain the marks and numbers of each package or thing containing any of the commodities aforesaid, with their weights, and the quantity of liquors or other spirits, and also the name of the master and vessel importing the same, one of which manifests shall be signed by the collector and delivered to the public treasurers, if any there be, for the time being ; and the said collector shall then permit the landing of the goods, therein specified, after payment is made, or secured to be made, of the said duties to the public treasurers.

X. And to the end that the rates, duties and impositions laid and imposed by virtue of this Act, may be the more speedily and effectually

received and collected by the commissioners of the treasury ; *Be it further enacted* by the authority aforesaid, That all sums of money payable or demandable for the said duties, in manner and proportion herein before laid and imposed, shall be paid or secured to be paid to the commissioners of the treasury, by the importer, before the liquors, spirits, goods or merchandise, herein before enumerated, and liable to the duty aforesaid, or any of them, shall be taken out from any vessel in order to be imported, on any colour or pretence whatsoever ; and the collector is hereby required not to deliver any permit for the landing on shore any of the said enumerated commodities for which duties shall be due and payable as aforesaid, until the said duties are actually paid ; except for goods imported by or consigned to any of the merchants or factors actually here residing, who shall not be liable to pay the said duties, nor the duties payable by this Act on the importation of negroes, sooner than four months after importation, if they desire such a forbearance ; and provided, they pass their notes, and give security to the satisfaction of the commissioners of the treasury (if desired so to do) for the punctual payment of the said duties at the expiration of the said four months ; and provided, that all transient importers or factors (on their entering into bonds to the commissioners of the treasury, with sufficient sureties, being inhabitants of this State, for the faithful payment of the said duties on any liquors, spirits, goods, or negroes, within the term of four months after such importation, or sooner, if he or they shall depart this State) shall be entitled to a forbearance for that time, if they shall desire it.

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Duties to be paid, or secured to be paid, before any goods shall be landed.

Exception.

XI. *And be it further enacted* by the authority aforesaid, That at such time as the master of any vessel, or the merchant, importer, factor or super-cargo, shall make his or their general entries or manifests with the collector, he or they making such entries or manifests shall also make oath that he or they have not put on shore, nor were privy to the putting on shore, in any port or place in this State, nor put into any boat or vessel in order to be landed, any of the said liquors, spirits, goods, merchandise or commodities herein before rated and enumerated, before the making of his or their general entry or manifest, as aforesaid, under pain of forfeiting the sum of one hundred pounds sterling for every neglect or refusal to make the said oath, to be recovered and applied as is herein after directed : and in case any master of any ship or vessel, merchant, importer, factor, or other person, shall put on shore any of the said liquors, spirits, or commodities, or shall put any of them into any boat or vessel in order to land the same, before a permit is duly obtained from the collector for that purpose, in manner herein before directed, all such liquors, spirits and commodities, so landed or put on board any boat or other vessel in order to be landed, shall be forfeited and applied to the uses herein after mentioned : and all persons are hereby required to be aiding and assisting to the said collectors, or to any other agents, informers, seizers or discoverers, in case of their meeting with opposition in seizing or searching for any of the said liquors, spirits, or commodities, unladed or landed contrary to the true intent and meaning of this Act.

Masters of vessels, &c. to make oath that no goods, &c. have been landed with their privy.

Goods, &c. landed before a permit is obtained, to be forfeited.

XII. *And be it further enacted* by the authority aforesaid, That no negroes, liquors, spirits, goods or commodities, herein before enumerated for paying a duty on importation as aforesaid, shall be landed or put on shore but in the day time, between sunrise and sunset, on pain of all such negroes, liquors, spirits, goods or commodities being seized and forfeited.

Negroes, &c. to be landed in the day time.

XIII. And forasmuch as the several duties imposed by this law may be evaded, in case any master, owner, importer, factor, or other person, should

A. D. 1753.

No goods to be  
sold on board  
of vessels.

be at liberty to sell or retail any of the liquors, spirits, goods or commodities, on board the ship or vessel in which the same are imported, or in any other boat or vessel wherein the same may be put; *Be it therefore enacted* by the authority aforesaid, That no master, importer, owner, factor, supercargo, or other person, shall be at liberty to barter or sell, by wholesale or retail, on board any ship or vessel which shall come into this State, before a certificate or permit be first obtained from the collector, any of the liquors, spirits or goods afore rated, on pain of forfeiture of all such goods and merchandise, spirits and liquors, and moreover the sum of one hundred pounds sterling for every such offence, to be recovered from the seller in manner herein after directed.

Ten per cent  
allowed for  
leakage or  
wastage.

XIV. And for preventing disputes about the quantity of liquors or spirits imported, and to be rated, *It is hereby further enacted* by the authority aforesaid, That the importer, without guaging the said liquors or spirits, or weighing the said sugars, shall be allowed ten per centum for leakage and wastage, upon his invoice and entry made as aforesaid; but if the owner or importer shall suspect the leakage or wastage to be greater, then the waiter shall guage the said liquors or spirits, and weigh the said sugars, at the expense of the importer, and such leakage or wastage (if entered with the collector, and not otherwise) shall be allowed. And if at any time the collector or waiter shall suspect any cask, pipe or hogshead to contain a greater quantity or weight than it is entered for, then the said liquors or spirits shall be guaged by cubical inches, and sugars reweighed, and if a surplus quantity or weight shall be discovered, the importer shall make a new entry of and pay the duty on such surplus; and shall also pay for the guaging and weighing each pipe, hogshead or cask, so found to contain a surplus, the sum of one shilling sterling to the officer guaging or weighing the same.

Search may be  
made, in the  
day time, for  
goods conceal-  
ed.

XV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the collector or waiter, with any of their agents or informers, by virtue of a warrant from any justice of the peace first had and obtained, upon the oath of one or more credible persons, with one or more constables, to enter and search, in the day time, all cellars, shops, warehouses, and suspected places, and the same to break open, (if leave to enter be refused by the owner,) and there to search and rummage for any liquors, spirits, goods and commodities, herein before rated and enumerated, and which they shall be informed were there carried and concealed, contrary to the true intent and meaning of this Act; and the same, if discovered, shall be seized and forfeited: provided, that such seizure be made within one month after the time of the offence being committed.

Receivers of  
the duties &c.  
imposed by this  
Act.

XVI. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury, and the collectors of the ports of Georgetown and Beaufort, are hereby appointed receivers of all imposts, duties, dues, penalties and forfeitures, growing due and payable to this State, for the use of the public thereof, by virtue of this Act, and which shall be levied in the respective ports; of which the collectors of Georgetown and Beaufort shall fairly keep and render an account from time to time, when thereunto required by the Governor, the Senate or House of Representatives of this State; and shall pay such taxes, duties, dues, penalties and forfeitures, which they may so receive, into the public treasury of this State, within one month after the receipt of the same, on pain of the forfeiture of five hundred pounds sterling money for every neglect or default.

XVII. *And be it further enacted* by the authority aforesaid, That the several fines, penalties and forfeitures, which shall be incurred or become due by virtue of this Act, shall and may be sued for, prosecuted and

recovered, by action of debt, bill, plaint or information, in any court of record in this State, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted, or any more than one imparlance; and one moiety of all the respective forfeitures that shall be incurred by virtue of this Act, which are not herein before particularly appropriated, shall enure and be to the use of this State, and shall be applied and paid as shall from time to time be directed by the General Assembly; and the other moiety thereof shall go to him or them who will inform and sue for the same: provided, that such fines, penalties and forfeitures be sued for within one month after the offence committed, and not after.

A. D. 1763.

Fines, penalties and forfeitures how to be recovered and appropriated.

XVIII. *And be it further enacted* by the authority aforesaid, That if any liquors, spirits, goods or commodities, shall be seized for any offence committed or done against this Act, and the property be claimed by any person or persons as importer thereof, the burthen of the proof shall lie upon the owner or claimer, and not upon the prosecutor or informer.

Goods seized, burthen of the proof to lie on the claimer.

XIX. And for the encouragement of persons to be watchful and careful in the discovering of frauds, in the importing, landing, or selling of goods, without a permit being first had and obtained from the collectors aforesaid: *Be it further enacted* by the authority aforesaid, That one moiety of all the liquors, spirits, goods, or commodities, which from time to time shall be seized and forfeited, by virtue of this Act, shall go to this State, and be applied as by the General Assembly shall be directed and appointed, and the other moiety shall go to the person who shall seize, secure, and sue for the same; to be tried, heard, adjudged, and determined in the court of common pleas in this State; which court is hereby vested with full power and authority, for the trying, hearing, adjudging, and determining any offence, penalty, or forfeiture incurred by this Act, where the value of the seizure or forfeiture shall exceed three pounds sterling.

One moiety to the State, the other to the informer.

XX. *And be it further enacted* by the authority aforesaid, That a duty of two and one-half per centum shall be imposed on the value of all goods, wares, and merchandises, not hereinbefore enumerated; to be collected in the same manner and by the same persons, and subject to the same regulations, penalties, and forfeitures, as the above enumerated articles; and that the value of such imports shall be ascertained by the invoices and bills of lading thereof, which shall be produced and attested by the importers before some one magistrate of this State, and given in to the collector of the port into which such goods shall be brought, before they are landed.

A duty of two and a half per cent. on the value of goods.

XXI. *And be it enacted* by the authority aforesaid, That the moneys arising from all the duties and impositions hereinbefore laid and imposed, (except the duties upon tavern licenses, billiard tables, and the importation of negro slaves,) shall be appropriated towards the payment of this State's quota of the federal disbursements of the interest and principal of the debts contracted on the faith of the United States for supporting the war.

How the money is to be appropriated.

XXII. *And be it further enacted* by the authority aforesaid, That no replevin shall lie, nor be granted, for the delivery of any liquors, spirits, goods, or commodities, seized by virtue of this Act; but that the chief justice or justices of the court of common pleas in this State, may make an order, in case of goods perishable only, to have the same appraised and valued, upon giving security for the value of such goods.

No replevin to lie for delivery of goods seized

XXIII. *And be it further ordained* by the authority aforesaid, That if any action or suit shall be brought or prosecuted in any court of record in this State, against the said collector, or any other person or persons whomsoever, for any matter or thing done, or to be done, by him, them, or any of them, by virtue of, or in pursuance of the direction of this Act, it shall

Persons may plead the general issue, by virtue of this act.

A. D. 1783.

and may be lawful to and for such collector, and other person and persons, to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become nonsuit, or verdict shall pass against him or them, then the judge and judges of such court shall tax and allow to such defendant and defendants, his and their double costs of suit; for which every such defendant and defendants, shall have like remedy, as in other cases when costs by law are given to the defendants; and this Act is hereby declared to be a public Act, and to be taken notice of in all courts in this State, without special pleading.

Ordinance of  
7th March re-  
pealed.

XXIV. *And be it further enacted* by the authority aforesaid, That an ordinance of the General Assembly of this State, passed the seventh day of March last, entitled "An Ordinance for laying and levying certain imposts and duties therein mentioned, in aid of the public revenue," is hereby declared to be repealed and made null and void.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**No. 1197. AN ORDINANCE FOR LAYING AN IMPOST ON THE TONNAGE OF SHIPPING, REGULATING THE CUSTOM-HOUSE, APPOINTING CERTAIN OFFICERS, AND ASCERTAINING THEIR SALARIES.**

Preamble.

WHEREAS, it is expedient and necessary for the better regulation of commerce in the several ports of this State, and for the ease and convenience of all persons trading thereto, that no fees of office be paid, and that in lieu thereof an impost be laid on the tonnage of all vessels which shall arrive in this State from any port or place without the limits of the same, for the purpose of paying the salaries of the several officers appointed by this Act:

Salaries of  
waiters and  
searchers.

I. *Be it ordained*, by the honorable the Senate and the House of Representatives of the State aforesaid, in General Assembly met, and by the authority of the same, That there shall be one searcher and two waiters for the port of Charlestown, and one waiter for each of the ports of Georgetown and Beaufort, who shall be chosen by the General Assembly of this State; that the searcher for the port of Charlestown shall be allowed annually the sum of one hundred and fifty pounds sterling, and the waiters for the port of Charlestown shall also be allowed each, annually, the sum of thirty pounds sterling; and each of the said waiters of the port of Georgetown and Beaufort annually the sum of thirty pounds sterling; and that the said searcher and waiters shall continue in office during pleasure, to be confirmed by removal or not by the General Assembly; and that such searcher and waiters shall be respectively sworn by the collector of such port to which they belong, before entering on office, faithfully to discharge the duty of such office according to law, to obey the legal orders of the collector respecting the duties of such office, and not to receive, directly or indirectly, any fee or reward for executing the duties of such office, except such fees as are allowed by law for the measurement of negroes to be imported into this State.

II. *And be it further ordained* by the authority aforesaid, That a ton-

nage, or duty of ninepence sterling per ton, according to the measurement to be made in this State, shall be laid on every vessel which shall make an entry in any custom-house of this State, from any ports without the limits of the same, which said duty shall be collected by the collector of each port where such vessel shall make such entry, and paid into the treasury of this State every three months, to be disposed of in manner hereinafter mentioned.

A. D. 1783.

Tonnage duty  
on vessels,

III. *And be it further ordained* by the authority aforesaid, That the moneys arising from the said duty on tonnage, shall be appropriated to the purpose of paying the salaries of the different officers established by this ordinance; and that no fees shall hereafter be demanded from the master or owner of any vessel or vessels trading to this State from any public officers of the same; and that the bond required by law to be given in the Secretary's office on the arrival of vessels into this State, shall be taken by the collector of the port or place where such vessel arrives; any law, usage, or custom, to the contrary notwithstanding.

To be ap-  
propriated to  
pay the salaries  
of officers.

IV. *And be it further ordained* by the authority aforesaid, That the collectors, searcher, and waiters of the ports of this State, shall take an oath before a justice of the quorum, that he will not receive, directly or indirectly, any fee or gratuity whatsoever, for the discharge of the duty of his office, except the salary hereby allowed; nor after the passing of this ordinance be concerned either directly or indirectly in trade, by importing or exporting any commodities, or buying for the purpose of vending the same, (saving the settlement of any commercial concerns any such collector, searcher, or waiters may have been concerned in before the passing of this ordinance,) on pain of forfeiting his office for so doing; and shall, in lieu of all fees and emoluments, be allowed the following annual salaries out of the treasury of this State, that is to say, to the collector of Charlestown, annually, five hundred pounds sterling, and the collectors of Georgetown and Beaufort respectively, annually, one hundred and fifty pounds sterling.

Collectors, &c.  
can receive no  
fees other than  
their salaries.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT** FOR EMPOWERING THE VESTRY AND CHURCH WARDENS OF THE INCORPORATED CHURCH OF ENGLAND, OF THE PARISH OF ST. THOMAS AND ST. DENNIS, TO SELL THE TWO GLEBES BELONGING TO THE SAID CHURCH; AND FOR VESTING THE POWERS OF THE SAID CORPORATION IN THE VESTRY AND CHURCH WARDENS FOR THE TIME BEING, AND THEIR SUCCESSORS. No. 1198.

WHEREAS, the vestry and church wardens of the incorporated Church of England, in the parish of St. Thomas and St. Dennis, have petitioned the Legislature of this State to sell and dispose of the two glebes belonging to the Church and Chapel of Ease in the said parish, and to purchase one more central and convenient; and whereas, several persons, inhabitants of the said parish, and others, have associated themselves together, and by voluntary contributions have raised, and are now raising, a fund for the maintenance of a minister of the principles and tenets of the Church

Preamble.

A. D. 1784.

Vestry and church wardens to have power to sell the glebes, etc.

of England, and for the payment of a clerk, and repairs of the said church and chapel.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That the said vestry and church wardens, or a majority of them, are hereby vested with all the powers of the said corporation, and shall have full power and authority to sell, alien, exchange, demise, or release, the aforesaid glebes in the parish aforesaid, in such lots and in such manner as they, or a majority of them, shall think will be for the advantage of the same; and the money arising therefrom to place on interest, with good security, for the benefit of the aforesaid fund, until an opportunity offers for purchasing one more centrical and convenient.

Vestry and churchwardens vested with certain powers.

II. *And be it further enacted* by the authority aforesaid, That the present vestry and church wardens, and their successors forever hereafter, be, and they are hereby, vested with all the powers of the said corporation, by the name of the "Vestry and Church Wardens of the parish of St. Thomas and St. Dennis," and by that name shall, from time to time, and at all times hereafter, have perpetual succession, and a common seal, and be able and capable in law to purchase, have, hold, receive, take, retain, possess and enjoy all the real estate, lands, tenements, and hereditaments, and the rents and income thereof, which are now in their hands, or vested in the said vestry and church wardens, in trust for the incorporated congregation of the Church of England in the said parish, and to sell, alien, exchange, demise, or release the same, or any part thereof, as they shall think convenient; and they and their successors shall be able and capable in law to have, hold, receive, enjoy, possess, and retain all the moneys or other personal estates, and all the securities for the same, and the interest and proceeds thereof which are now in the hands of, or vested in, the said vestry and church wardens, and also at their discretion to call in and replace at interest the said moneys, or any part thereof: Provided, nevertheless, that in case any of the sums subscribed as aforesaid, or hereafter to be subscribed by any person or persons whatsoever, or any gifts, grants, legacies, and devises, hereafter to be made by any person or persons for the purposes aforesaid, shall be appropriated to any other use or uses than for the payment of a minister, officiating and doing duty in the said church and chapel, of the principles and tenets of the Church of England, and for the payment of a salary of a clerk, and the repairs of the said church and chapel, that then it shall and may be lawful to and for the said subscribers, and their heirs, executors, and administrators, to sue the said vestry and church wardens, or their successors in office, and recover and cause to be paid back, the said subscriptions, gifts, grants, legacies, and devises, with the interest that have grown due thereon.

Proviso.

Vestry and churchwardens capable of purchasing estates

III. *And be it further enacted* by the authority aforesaid, That the said vestry and church wardens, and their successors in office, shall be able and capable in law to purchase, receive, have, hold, enjoy, possess, and retain to them and their successors in perpetuity, or for any term of years, any estate or estates, real or personal, messuages, lands, tenements, or hereditaments, of what kind or nature soever, not exceeding in the whole the sum of five hundred pounds sterling per annum, and to sell, alien, exchange, demise, or lease the same, or any part thereof, as they and their successors in office shall think convenient for the benefit and advantage of the said vestry and church wardens for the purposes aforesaid.

May sue and be sued.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said vestry and church wardens, by the name of the vestry and church wardens of the parish of St. Thomas and St. Dennis,

to sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts, or other places, before any judge or justices, in all manner of actions, suits, complaints, pleas, causes, or things whatsoever, and of what nature or kind soever, which shall to them in any wise belong or appertain, in or about the premises. A. D. 1784.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said vestry and church wardens, and their successors forever, to take and hold to them and their successors forever, any donations and devises of lands, not exceeding in the whole the sum of five hundred pounds sterling per annum, and also to take and hold moneys and chattels, real and personal, for the purposes aforesaid. May hold donations and devises of lands, moneys, etc.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said vestry and church wardens, and their successors in office, or a majority of them, to appoint and choose a proper clergyman or minister, and clerk, and all other persons necessary to be employed for the benefit of the said congregation, and at their will and pleasure displace, remove, and supply others in the room and stead of them, or any of them, and to appoint such salaries, perquisites, or other rewards for their labor and service therein, as they shall from time to time approve of and think fit. Power to appoint a minister, clerk, etc. during their pleasure.

VII. *And be it further enacted* by the authority aforesaid, That this Act shall and may be given in evidence on the trial of any issue or cause in any court of law or equity in this State, without special pleading. This act to be evidence without special pleading.

In the Senate House, the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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AN ACT for incorporating the St. Cecilia Society.

No. 1199.

(Passed March 10, 1784. *See last volume.*)

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AN ACT to alter and amend an Act of the General Assembly, passed the eighth day of May, one thousand seven hundred and fifty-four, entitled "An Act for building a draw-bridge across Ashley river, in the parish of St. Andrew, from some place at or near Stoney Point, on the east side, to the marsh opposite to the said point on the west side of the said river; and for making a causey upon the said marsh, leading to the said bridge; and for making a road to the said bridge and causey; and for vesting the said bridge when built, in such person and persons, his and their heirs and assigns forever, as shall be at the expense of building the said bridge, and making the said causey, and keeping the same at all times hereafter in repair. No. 1200.

(Passed March 10, 1784. *See last volume.*)

A. D. 1794.

No. 1201. *AN ACT TO ALTER AND AMEND AN ACT ENTITLED "An Act to oblige persons having Negroes or other effects, not their own property, in their possession, to render an account thereof, and to punish such as shall embezzle, conceal or neglect to render an account of the same;" PASSED THE 12th MARCH, 1783.*

Preamble.

WHEREAS, the Act passed the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, entitled "An Act to oblige persons having negroes or other effects, not their own property, in their possession, to render an account thereof, and to punish such as shall embezzle, conceal or neglect to render an account of the same," is found inadequate to the good purposes thereby intended, in as much as there is reason to believe that many frauds and abuses have been committed under the sanction of the said Act, respecting negroes or other slaves, in the hands of persons not being proprietors of such slaves; for remedy whereof,

Persons possessed of slaves not their own property, shall send them to the warden of the work-house in Charleston.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person and persons within this State, having negro or other slaves in his, her or their custody or possession, not being his, her or their property, absolutely and bona fide, shall, within three months, be obliged to send, or cause or procure to be sent, to Charlestown, all and every such slave or slaves, who shall be committed to the care and custody of the warden of the work house, and who, on receiving such slave or slaves, shall pay all reasonable costs, charges and expenses, attending the bringing or conducting to Charleston of such slave or slaves, to the person or persons entitled to receive the same, taking a receipt for the amount; which said expenses shall be refunded and paid back to the said warden of the work-house, on delivery of such slave or slaves to his, her or their owner or owners, with all other costs, charges and expences incident thereto.

Who shall immediately advertise them; and if not claimed in 12 months, shall sell the same.

II. *And be it further enacted* by the authority aforesaid, That the said warden of the work-house shall immediately advertise in the State Gazette the names, ages, and other particular description of all slaves delivered to him, in order that their respective owner or owners may have notice of such slave or slaves being in his custody or possession; and in case no owner or owners shall appear and prove his, her or their property to such slave or slaves, (which proof shall be made upon oath before one of the justices of the court of common pleas, or any one of the justices of the quorum,) within twelve months from the time of publishing such notice in the Gazette aforesaid, that then the said warden of the work-house shall sell and dispose of such slave or slaves at public outcry, first giving one month's notice thereof, in the said Gazette, of the time and place of such sale; and that, from and after such sale, the said warden of the work-house shall give a bill of sale, for the slave or slaves, to such purchaser or purchasers thereof, which said bill of sale shall vest the property so sold in such purchaser or purchasers, absolutely and forever.

Overplus to be paid into the public treasury

III. *And be it further enacted* by the authority aforesaid, That after payment and satisfaction of all costs, charges and expenses attending the said slave or slaves so sold, the overplus of the money arising therefrom (if any be) shall be paid into the public treasury of this State, there to remain subject to the order and direction of the General Assembly.

IV. And in order to render such slave or slaves as little burthensome as possible to the owner or owners, or to the State, in case no owner should appear within the time hereinbefore limited for claiming such slaves, *Be it enacted* by the authority aforesaid, That the said warden of the work-house, under the direction of the city council, shall have power and authority to hire out or otherwise employ such slave or slaves, in such way or manner as they shall see fit; and the said warden of the work-house shall pay and apply the monies arising therefrom towards the expenses and support of such slave or slaves, during the time he, she or they shall remain under his care and direction.

A. D. 1784.

Said slaves may be let out to hire.

V. *Be it further enacted* by the authority aforesaid, That it shall be lawful for the magistrates empowered and required to sell or cause to be sold the property described in the Act entitled "An Act to oblige persons having negroes or other effects, not their own property, in their possession, to render an account thereof, and to punish such as shall embezzle, conceal or neglect to render an account of the same," passed 12th March, 1783—to receive the treasury indents of this State in payment for all sales to be hereafter made, and which shall be paid into the treasury, subject to the future disposal of the legislature.

Treasury indents to be received in payment.

VI. *And be it further enacted* by the authority aforesaid, That if the owner or owners of such property as is the subject of the above recited Act, shall make oath, and prove his, her or their property, to the satisfaction of any one of the judges of this State, or any one justice of the quorum, such owner or owners, upon obtaining and producing a certificate of such proof, under the hand of any one of the judges or any one justice of the quorum, (which the judges or justices are hereby required to give,) shall be entitled to take possession of such property, without personally appearing before the magistrate before whom the information and description of such property was taken and by whom such property was advertised.

How owners may prove property.

VII. *And be it further enacted* by the authority aforesaid, That if the owner or owners of any property sold by virtue of the above recited Act shall make oath and prove his, her or their property, to the satisfaction of any one of the judges of this State, such owner or owners, upon obtaining and producing a certificate of such proof, under the hand of any one of the said judges (which they are hereby required to give) to the commissioners of the treasury, they shall pay to such owner or owners the sum lodged in the treasury for the property so sold, in indents or money, as the case may be; provided, such claim is made within two years after the sale of such property.

Owners to receive the sum for which their property sold, on producing a certificate at the treasury.

In the Senate House, the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ACT for repealing part of an Act entitled "An Act for the better security of Charlestown from the accident of Fire, and for regulating the buildings hereafter to be erected or built in the said town," passed the 28th day of March, one thousand seven hundred and seventy-eight; and part of an Act entitled "An Act for appointing Fire Masters, and for other purposes," passed the 12th of March, 1783. No. 1202.

(Passed March 10, 1784. See last volume.)

A. D. 1784.

**No. 1203. AN ORDINANCE FOR APPOINTING BRIGADIER GENERAL FRANCIS MARION COMMANDANT OF FORT JOHNSTON.**

**Preamble.** WHEREAS, the Legislature is desirous of giving Brigadier General Francis Marion a suitable testimony of their approbation and gratitude for the eminent services which he has rendered this State ;

**Gen. Marion appointed commandant of fort Johnston.** I. *Be it therefore ordained,* by the honorable the Senate and House of Representatives of the State of South Carolina, in General Assembly met, and by the authority of the same, That Brigadier General Francis Marion be, and he is hereby appointed, Commandant of Fort Johnston, in the State aforesaid.

**Salary £500 sterling per annum.** II. *And be it further ordained* by the authority aforesaid, That the said Francis Marion, during his said command, shall be entitled to a salary, to be paid quarterly, of five hundred pounds sterling per annum, in lieu of all fees which were formerly taken by the commandant of that fort.

In the Senate House, the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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**No. 1204. AN ORDINANCE for laying out a Road, from the public road to New River Bridge, Granville County, to May River Head.**

(Passed March 10, 1784. *See last volume.*)

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**No. 1205. AN ORDINANCE FOR CONSTITUTING A BOARD OF NAVAL OFFICERS FOR THE TRIAL OF CAPTAIN JOHN JOYNER; AND ENQUIRING INTO THE CAUSE OF THE LOSS OF THE FRIGATE CALLED THE SOUTH CAROLINA.**

**Preamble.** WHEREAS, it is necessary that a formal enquiry be made, pursuant to the forms established by the custom of war, into the cause of the loss of the ship South Carolina, and it being also requested by Captain John Joyner, who commanded the said ship when she was lost, that his conduct should be investigated, and that a board of naval officers should be appointed to hear and determine on the same ; but as the officers who held commissions in the navy of this State have, since the establishment of peace, resigned their respective commissions, it is necessary, in order to form such board, to appoint such officers as commissioners for the purposes aforesaid ;

**Commissioners appointed.** I. *Be it therefore ordained,* by the honorable the Senate and the House of Representatives of the State aforesaid, in General Assembly met, and by authority of the same, That Captain Robert Cochran, Captain David Lockwood, Captain Stephen Seymour, Captain William Hall, Captain

Jacob Milligan, Captain John Haller, Captain Simon Tufts, Captain Charles Crowley and Lieutenant John Mayrant, be, and they are hereby appointed, commissioners, and authorized to sit as a board of officers, or court martial, and to enquire into, hear, and finally determine upon, every matter and thing whatever respecting the loss of the ship South Carolina, and the conduct of Captain Joyner, who commanded the said ship at the time of her being lost, pursuant to the rules and articles established for the government of the navy of this State, and the forms and practice of a court martial; and the sentence of the said commissioners shall have equal force and validity, and in all respects operate in the same manner, as the sentence of a regular court martial.

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To constitute a court martial.

II. *And be it further ordained* by the authority aforesaid, That the said commissioners, appointed by this ordinance, are hereby authorized and empowered to administer all the necessary oaths to any witnesses they may examine in their enquiry into the matters aforesaid to be determined by them, and to appoint a judge advocate for conducting the proceedings of the said court; and that the said commissioners, together with the judge advocate, shall severally, before they enter into the business of such enquiry to be made as aforesaid, take the following oath: "I do swear that I will diligently and impartially, without fear, favour or affection, enquire into, hear and determine upon all matters and things to be brought before this board to be enquired into, according to my conscience and the best of my skill and knowledge: So help me God."

Power of the commissioners.

Oath to be taken by them.

III. *And be it further ordained* by the authority aforesaid, That the commissioners herein appointed shall sit for the purposes of their appointment immediately after the passing this ordinance, and shall have power to adjourn from time to time, proceeding in the said business with the least possible delay, and immediately after such enquiry shall be finished report their determination on the same to the Governor of this State.

Commissioners to make their report to the Governor.

IV. *And be it further ordained* by the authority aforesaid, That if any of the said persons shall refuse to act, or absent himself without leave of the court, before they agree in their opinion on the case referred to them, every such person or persons so refusing to act or absenting himself, as aforesaid, shall be liable to a fine of one hundred pounds sterling, to be sued for and recovered in the court of common pleas, by the attorney general, and to be levied by warrant of distress, under the hand and seal of any one of the judges of the said court, by sale of the offender's goods, or, where no goods can be found, by an attachment against the body of such offender.

Penalty on neglect or refusal to act.

V. *And be it further ordained* by the authority aforesaid, That the said commissioners and the judge advocate shall be allowed the sum of twenty shillings per day each, during the time they shall be so employed in hearing and determining the matter hereby referred to them.

Allowance to commissioners.

In the Senate House, the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

No. 1206. *AN ACT FOR ESTABLISHING THE MODE AND CONDITIONS OF SURVEYING AND GRANTING THE VACANT LANDS WITHIN THIS STATE.*

Preamble.

WHEREAS, the granting of the vacant lands of this State will be greatly conducive to its strength and prosperity, by increasing the agriculture and population thereof :

Lands to be granted.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the lands lying and being to the northwest of the ancient boundary line heretofore established between the Cherokee nation of Indians and this State, running from Savannah river north fifty degrees east, to Reedy river, and then due north until it intersects the North Carolina boundary, shall be granted and sold for the sum of ten pounds sterling for every hundred acres, in the manner and form, and under the several regulations and restrictions hereafter mentioned.

Privileges granted to persons having located and settled lands.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who have located lands within the ancient limits of this State, on or before the first day of January, one thousand seven hundred and seventy-five, on warrants of survey legally obtained, and were prevented from procuring grants for the same, by the abolition of the British Government, or other good and sufficient causes, which shall appear upon oath to be made before the commissioner of locations of the district where such lands were located within six months after the passing of this Act, shall be, and they are hereby, entitled to grants for the said lands ; and that any person or persons who have settled vacant lands within the ancient limits of this State, and have been prevented by the aforesaid reasons from surveying and obtaining grants for the same, shall be, and they are hereby entitled, for the term of six months, to the preference of the said settled lands ; and that all lands coming within the above description, and also all other vacant lands within the limits of this State, shall be granted and sold for the sum of ten dollars per one hundred acres.

Commissioner of locations to be appointed in each circuit court district.

His duty.

III. *And be it further enacted* by the authority aforesaid, That a commissioner of locations shall be appointed in each circuit court district, who shall take and receive the original entry of all vacant lands lying and being within the ancient boundaries of such district, except for the district of Ninety-Six, where two commissioners, shall be appointed, one to reside on the north side of Saluda river, and the other to reside on the south side of the same river, and which said river shall be the division line between the said two commissioners, for which a warrant of survey shall be demanded, and shall thereupon issue such warrant of survey directed to some deputy surveyor, authorizing and requiring him, within two calendar months from the date of such warrant, to lay off and locate the lands directed to be surveyed ; which said warrant, when executed, together with a true and correct plat of the survey, shall be received by the said commissioner, who shall make a fair record of the same, and within three months after such return shall transmit the original plat to the office of the surveyor general of the State for the time being, where the same shall be delivered.

To be appointed in the same manner as surveyor general.

IV. *And be it further enacted* by the authority aforesaid, That each and every of the said commissioners of locations shall be appointed in the same manner as the surveyor general is by law to be appointed, and shall enter into bond for the faithful discharge of his duty, together with two

good and sufficient securities, in the full and just sum of ten thousand pounds sterling, payable to the treasurers of this State, and shall also, at the same time, before some magistrate, take and subscribe the following oath of office: "I, A B, do hereby solemnly swear or affirm that I will well and faithfully execute the office of commissioner of locations for the district of —, without giving a preference to any through favor, fear, or reward, according to the best of my skill and ability. So help me God."

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Oath.

V. *And be it further enacted* by the authority aforesaid, That the surveyor general of this State, on the return of the entry and plat of survey to his office from the office of commissioner of locations, shall make out a plat of the lands surveyed as aforesaid, and record and transmit the same, certified, to the office of the secretary of the State, who shall cause a grant to be prepared for the same, and the great seal affixed thereto, and shall, within three months thereafter, cause a fair record of all such grants to be made and kept in his said office, with alphabetical indexes; and on every third Friday in the months of January, April, July, and October, the said secretary of the State on the said days respectively, shall lay before his Excellency the Governor for the time being, all such grants by him prepared as aforesaid, who is hereby empowered and directed to sign the same, and thereupon deliver them to the said secretary of the State, to be delivered to the respective grantees, or to their order: Provided, nevertheless, that in all cases, previous to the signing of the said grants, where there shall appear to be any fraud or collusion in the progress of the said entry, warrant, and survey, the Governor or Commander-in-chief for the time being, and any five members of the Privy Council, shall have full power and authority to cause all parties to appear before them, and without delay in a summary manner decide in such as to justice and equity shall appertain.

Surveyor general to make plats of land surveyed, and a record of plats and grants to be kept.

Grants to be signed by the Governor.

Proviso.

VI. *And be it further enacted* by the authority aforesaid, That the said surveyor general shall enter into bond for the faithful discharge of his duty, with two good and sufficient securities, in the same sum, payable in the same manner, and shall also take and subscribe the same oath or affirmation, before the secretary of this State, in the presence of his Excellency the Governor, as is hereinbefore prescribed to be entered into and taken by the several commissioners of locations to be appointed as aforesaid, which bond and oath of affirmation shall be thenceforth recorded in the secretary's office.

Surveyor general to give bond and take an oath.

VII. *And be it further enacted* by the authority aforesaid, That the surveyor general shall have full power and authority to appoint such and so many deputy surveyors in each of the said districts, as he may judge sufficient, not exceeding six for each district, for executing all such warrants of survey as shall be to them directed by the respective commissioners of locations, for whose conduct in office the said surveyor general shall be responsible both to the State and to the party grieved; any thing herein contained to the contrary notwithstanding.

Deputy surveyors to be appointed, not exceeding six in each district.

VIII. *And be it further enacted* by the authority aforesaid, That the said deputy surveyors of the respective districts shall take the same oath or affirmation of office on their appointment, and in the same manner, as is hereinbefore prescribed to be taken by the commissioners of locations, before they shall be qualified to locate any warrant of survey, under the penalty of being forever disabled to act in the said office, and shall also, within three calendar months from the date and delivery of all warrants of survey to them directed, well and faithfully locate and survey the same, and return a fair and correct plat thereof to the office of commissioner of locations, from whence the same had issued; and the said deputy surveyors

Deputy surveyors to take an oath.

Their duty.

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Oath.

are hereby required, authorized, and empowered, to administer the following oath to the chain-carriers, to wit: "I, A B, do solemnly swear or affirm that I will well and truly execute the employment of chain-carrier, without favor or affection."

Warrants not paid for within 3 months shall be null and void.

Proviso.

IX. *And be it further enacted* by the authority aforesaid, That all such person or persons who shall obtain warrants of survey, and shall fail to pay into the treasury the moneys or treasury indents herein prescribed to be paid and received for all lands to be granted under and by virtue of this Act, within three months after the plat of survey shall be returned to the surveyor general by the respective commissioners of locations, all such warrants of survey are hereby declared to be null and void, and the lands shall be granted to any person or persons who shall apply for the same, and fulfil the conditions on which the said lands were to have been originally granted: Provided, nevertheless, that where a certificate is produced of an account unsettled in the hands of the auditor general, the person producing the certificate shall have a credit for six months longer, for the amount of his account, on paying interest for the purchase money from the date of his grant.

No warrant to be had for more than 640 acres.

X. *And be it further enacted* by the authority aforesaid, That no person whatsoever shall obtain a warrant of survey for more than six hundred and forty acres, and that to be laid in one body, except confined by lines, or shall acquire, hold, or possess, under and by virtue of this Act, in his own right or in the right of another, either directly or indirectly, a larger quantity than is above mentioned; and all warrants and grants obtained, and evading or tending to evade, the true intent and meaning hereof, are hereby declared to be surreptitiously and fraudulently obtained, and shall be null and void.

Persons applying for a warrant to take an oath.

XI. *And be it further enacted* by the authority aforesaid, That every person who shall apply for a warrant of survey shall, previous to his obtaining the same, take the following oath or affirmation, to wit: "I, A B, do swear or affirm, that I have not heretofore applied for, or obtained from this or any other office in the State, under or by virtue of this Act, either in my own name, or in the name of any other person, any warrant or warrants of survey, for more than six hundred and forty acres of land. So help me God." Which said oath or affirmation shall be administered by the surveyor general, or any one of the commissioners of locations; which said oath or affirmation shall be sent to the respective commissioners of locations in their said offices, before any warrant of survey shall issue for the same.

Laying off vacant lands on navigable streams.

XII. *And be it further enacted* by the authority aforesaid, That on all creeks or rivers, navigable for shipping or boats, whereon any vacant lands shall lie, the deputy surveyors shall, and they are hereby directed to, lay off the same by measuring four chain back from such river and creek for every one fronting on and bounded by the same; and all surveys not made and regulated by this rule, and any grants which may be obtained thereupon, are hereby declared to be null and void to all intents and purposes.

Treasury indents a legal tender for lands.

XIII. *And be it further enacted* by the authority aforesaid, That all treasury indents of money due and payable by this State to individuals, shall, and they are hereby declared to, be lawful tender at the treasury, as so much money, in payment of all moneys accruing and to become due to this State for lands hereby directed to be granted and sold; any thing herein contained to the contrary notwithstanding.

Fees to the surveyor general, &c.

XIV. *And be it further enacted* by the authority aforesaid, That the following fees, and no other, shall be demanded or taken by the secretary of the State, surveyor general, commissioners of locations, and deputy

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surveyors, who shall make out a table of the same, and keep posted up in some conspicuous part of their said offices; and each and every of the said respective officers, who shall demand or receive any greater or other fees than is allowed by this Act, each and every such person shall be liable to an indictment for extortion, and on conviction thereof shall pay a fine of one hundred pounds sterling, one-half to be paid to the prosecutor, and the other to the treasurers for the time being, for the use of this State. Secretary of the State's fee for making out the grant, recording the same, and fixing the great seal thereto, ten shillings sterling; surveyor general's fee for every search, one shilling and two pence sterling; copy plat, four shillings and eight pence; recording and sending the same to the secretary's office, seven shillings and sixpence; commissioners's of locations fees; for receiving applications, making entries, and granting warrants of survey under hand and seal of office, four shillings and eight pence; for receiving returns of, and recording plats, and transmitting the same to the surveyor general's office, seven shillings; deputy surveyor's fees; for surveying every acre, a half penny sterling; platting and returning the same, eleven shillings and eight pence; for running of old lines for any person, or between parties, fourteen shillings sterling per day.

XV. *And be it further enacted* by the authority aforesaid, That all persons obtaining grants of land as aforesaid, shall, and they are hereby required to, settle and cultivate the same within two years thereafter, or at least twelve months, before he shall be at liberty to alienate the same, by gift or sale, except in devising the same by will; and all such sales and conveyances made contrary to the true intent and meaning hereof, are hereby declared to be null and void. Lands to be cultivated 12 months before they can be alienated.

XVI. *And be it further enacted* by the authority aforesaid, That the said surveyor general hereby to be appointed, shall not, during the time he is in office, on any pretence whatever, hold any other place or office of emolument, under the United States in Congress assembled, or under the Legislature of this State. Surveyor general to hold no other office.

XVII. And whereas, many persons have caused surveys of land lying beyond the Indian boundary, to be made, which practice is not only founded in deception, but contrary to the regulations heretofore established for taking up vacant land; *Be it therefore enacted*, by the authority aforesaid, That all grants and surveys passed or made for lands lying beyond the Indian boundary hereinbefore mentioned, before the passing of this Act, shall, and are hereby declared to, be null and void. Surveys made beyond the Indian boundary declared null.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of locations in the several districts shall keep their respective offices at or near the centre of the district wherein he is commissioner, and shall give regular attendance every day (Sundays excepted;) and no entry shall be made, or warrant given, to survey any lands, until two months after the passing of this Act, in which time the surveyor general shall appoint and qualify the several deputy surveyors respectively hereinbefore mentioned to be appointed: Provided always, that nothing in this Act contained shall extend to entitle any person or persons to lay warrants of survey, or receive grants of lands appropriated by the resolution of the Legislature, as a provision for the officers and soldiers of the continental line of this State, except such persons as are entitled thereto under the said resolution. Office of commissioners to be kept in the centre of the district. Proviso.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1734.

**No. 1207. AN ACT FOR INVISTING THE UNITED STATES IN CONGRESS ASSEMBLED WITH A POWER TO LEVY, FOR THE USE OF THE UNITED STATES, CERTAIN DUTIES UPON GOODS IMPORTED INTO THIS STATE FROM ANY FOREIGN PORT, ISLAND OR PLANTATION.**

Preamble.

WHEREAS, the safety, honour and interest of the United States of America, require that adequate funds be provided for the regular and punctual payment of the interest annually accruing on, and for discharging, in a reasonable time, the principal of the debt, contracted for the support of the late war, so that full and complete justice may be done to creditors, by whose personal services and pecuniary aid, under the blessing of divine Providence, the freedom and independence of these States have been happily established; and whereas, the investing Congress with the power required by their resolve of the eighteenth day of April last, to levy the duties therein mentioned, will effectually restore and support public credit and discharge the public debt, and it appears to be the most just, reasonable, and eligible mode that can be devised for that purpose;

Congress empowered to levy within this state the following duties upon goods imported.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met in General Assembly, and by the authority of the same, That there be, and there hereby is, granted to the United States, in Congress assembled, power to levy within this State, for the use of the United States, the following duties, upon goods imported into this State from any foreign port, island or plantation: that is to say, upon all rum of Jamaica proof, per gallon, four ninetieths of a dollar; upon all other spirituous liquors, three ninetieths of a dollar per gallon; upon every gallon of Madeira wine, twelve ninetieths of a dollar; upon every gallon of all other wines, six ninetieths of a dollar; upon every pound of common Bohea tea, six ninetieths of a dollar; upon every pound of other India tea, twenty-four ninetieths of a dollar; upon every pound of pepper, three ninetieths of a dollar; upon every pound of brown sugar, half a ninetieth of a dollar; upon every pound of loaf sugar, two ninetieths of a dollar; upon every pound of all other sugars, one ninetieth of a dollar; upon every gallon of molasses, one ninetieth of a dollar; upon every pound of cocoa and coffee, one ninetieth of a dollar: and upon all other goods, a duty of five per centum ad valorem; at the time and place of importation; to be collected under such regulations as the United States, in Congress assembled, shall direct: Provided, that such regulations do not extend so far as to subject any citizen of this State to be carried out of the same for trial; or to compel him to answer to any action without the State; or to deprive him of a trial according to the constitution and laws of this State; or to convict him criminally without a trial by jury, or his own voluntary confession in open court; or to impose excessive fines; or to inflict punishments which are either cruel, or unusual in this State; or to break open any dwelling-house, store or warehouse, at any other than the day-time, and between the rising and setting of the sun, or then, without a warrant from a lawful magistrate, and issued upon the oath of the party requesting the same: And also, provided, that the trial on all seizures and questions under this Act, shall be before the court of common pleas, or one of the circuit courts in this State; and that a forfeiture shall not in any case exceed the goods seized, and the vessel in which such goods may be imported, with her cargo, or the value of such goods and vessel; and provided also, that the collectors of the said duties shall be appointed by the General

Previso.

Assembly of this State, or, during their recess, by the Governor, with the advice of the Privy Council; which said collectors shall be citizens of the same; and no person shall proceed to execute the office of collector who holds any office of trust or profit, either in this or any other of the United States; nor shall he be directly or indirectly concerned in trade; and the said collectors shall be obliged, whenever required by the legislature, to produce their books, or a fair copy of them, for their inspection; and which collectors, when so appointed, shall be amenable to and removable by the United States in Congress assembled alone; and in case of the death, resignation, or removal of any collector, a successor shall be appointed within thirty days after the United States in Congress assembled shall give notice for that purpose, by the General Assembly, if sitting, and if not by the Governor, with the advice of the Privy Council. And if in any case the General Assembly, and the Governor and Council, shall neglect to supply a vacancy occasioned as aforesaid, within the term of thirty days after notice as aforesaid, power is hereby given to the United States in Congress assembled to supply and fill the same with some citizen of this State, but which citizen shall not proceed to execute the office of collector if he hold any place of trust and profit either in this or any other of the United States, nor until he hath taken the following oath, viz: "I, A. B., do solemnly swear or affirm, as the case may be, that I will not, directly or indirectly, in my own name, or in the name of any person or persons, carry on, or be concerned in interest in carrying on, any trade or commerce, during my continuance in office; So help me God;" which oath the Governor or Commander-in-chief for the time being, is hereby authorized and directed to administer: Provided also, that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States, for supporting the late war; and that an annual account of the proceeds and application of the aforesaid revenues, shall be made out and transmitted to this State, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State, together with the allowances made to the several officers employed in the collection of the said revenue.

A. D. 1784.

Qualifications  
and duty of  
collectors.Oath to taken  
by them.

Proviso.

II. *And be it further enacted* by the authority aforesaid, That this Act shall be in force and begin to operate as soon as the United States in Congress assembled shall notify to the General Assembly of this State, or to the Governor or Commander-in-chief during their recess, that all the other States in the confederation have passed Acts vesting the United States in Congress assembled, with power to levy, in the respective States, like duties, to be appropriated in like manner, and for the space of twenty-five years; and that it shall continue in force from that time for the space of twenty-five years, in the nature of a grant, sacred and irrevocable by any one or more of them, without the concurrence of the whole, or a majority of the United States in Congress assembled; provided likewise, that the monies arising from the said revenue, and other monies that may be appropriated for the like purposes, shall not be sufficient to discharge the said principal debt and interest before the said term of twenty-five years is expired; provided also, that nothing herein contained shall extend, or be construed to extend, to give the United States, in Congress assembled, a power to impose or levy any duty on negroes or other slaves imported into this State.

This Act to be  
in force when  
all the other  
States have  
passed a simi-  
lar Act.

Proviso.

III. *And be it further enacted* by the authority aforesaid, That an Act passed on the thirteenth day of August, in the year of our Lord one thou-

A.D. 1784. sand seven hundred and eighty-three, entitled "An Act to impose certain duties on goods to be imported into this State," be, and the same is hereby declared to be, repealed.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1208. *AN ACT TO AUTHORIZE THE UNITED STATES, IN CONGRESS ASSEMBLED, TO REGULATE TRADE FROM THE BRITISH WEST INDIES.*

Preamble. WHEREAS, the King of Great Britain, by his order in council, bearing date the second day of July, one thousand seven hundred and eighty-three, did prohibit the growth or produce of any of the United States being carried to any of the West-India islands subject to his crown, unless the same were carried by British subjects, in British built ships, owned by British subjects, and navigated according to the laws of Great Britain; which order manifestly tends to prejudice the commerce and suppress the maritime progress of the United States, and if adhered to must destroy those advantages which would otherwise result to both countries from a liberal commerce, founded on reciprocal benefits;

Congress empowered to regulate trade from the British West Indies.

Proviso.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That the United States, in Congress assembled, may, and they are hereby empowered to, prohibit all vessels in which any British subject or subjects is or are any part or sole owner or owners, from entering into any American port, and unlading any goods, wares and merchandise, being the growth or produce of the British West India Islands; and to effectuate such prohibition by imposing every regulation and restriction which shall appear to them to be just and necessary: Provided, that this Act shall not be in force until all the States in the Union shall have vested Congress with the similar powers.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1209. *AN ACT for establishing a Court of Chancery.*

(Passed March 21, 1784. *See last volume.*)

A. D. 1784.

**AN ACT TO VEST IN RICHARD BOHUN BAKER THE REAL ESTATE OF No. 1210.**  
**THE LATE RICHARD PENDARVIS, DECEASED.**

WHEREAS, in and by an Act of the General Assembly of this State, passed at Jacksonburg, on the twenty sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two, entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned," the estate, both real and personal, of the heirs and devisees of Richard Pendarvis, was declared to be forfeited; and whereas, it appears that Richard Bohun Baker, an officer in the continental service, is heir at law to the said Richard Pendarvis, which circumstance was not known to the Legislature at the time of the passing of the said Act;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That all the real estate of the said Richard Pendarvis, confiscated as aforesaid, now unsold, or if sold and the terms of sale not complied with, shall be, and hereby is, restored to and vested in the said Richard Bohun Baker, his heirs and assigns forever; and if the real estate aforesaid be sold, the commissioners of the treasury shall be, and hereby are, authorized and required to deliver up to the said Richard Bohun Baker, the bonds and securities for the same; and in case such bonds and securities have been paid off or discharged, the said commissioners are directed and empowered to give the said Richard Bohun Baker, the indents which they may have received in discharge of such securities, he paying commissions and other contingent expenses.

Confiscated  
property of  
Richard Pen-  
darvis to be  
vested in Rich-  
ard B. Baker.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO APPOINT COMMISSIONERS OF PILOTAGE FOR THE PORT OF No. 1211.**

**GEORGETOWN, WINYAW, AND TO ENABLE THEM TO IMPROVE THE NAVIGATION OF THE SAME.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the commissioners hereinafter named shall be, and they are hereby, empowered to engage proper persons to serve as pilots for the bar and harbour of Georgetown, Winyaw, and to purchase or build a proper boat or boats for the use of the said pilots, in such manner as shall appear to the said commissioners most conducive to the safety of the navigation there; and the pilots so engaged shall be subject to such rules as shall be made for their conduct by the said commissioners, and shall for every neglect of duty, be liable to be discharged from the said employment, and also to be subject to such forfeiture, not exceeding the salaries to be allowed them, as to the said commissioners, or a majority of them, shall be judged pro-

Commissioners  
to employ  
pilots and build  
pilot boats.

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Salary of pilots  
and rates of  
pilotage.

per, over and above any other damages that may be legally demanded from them.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be, and they are hereby, empowered to receive from the collector, out of duties and imposts of tonnage at Georgetown aforesaid, the annual sum of seventy-five pounds by quarterly payments, to be applied towards the support of the said pilots, in addition to the rates of pilotage as fixed by the corporation of the city of Charleston, which they shall be entitled to receive from the master or owner of each vessel arriving there from any port not within this State; and the commissioners aforesaid shall also receive from the collector as aforesaid the specific sum of two hundred pounds, within three months from the passing of this Act, for purchasing or building a proper boat or boats as aforesaid, which said sums the collector aforesaid is hereby required to pay.

Additional ton-  
nage laid on  
vessels.

III. *And be it further enacted* by the authority aforesaid, That an additional tonnage or duty of three pence per ton, according to the measurement to be made in this State, shall be laid on every vessel which shall make an entry at the custom house at said port, from any place without the limits of this State, to be paid to the commissioners aforesaid by the person making such entry.

Names of com-  
missioners, &c.

IV. *And be it further enacted* by the authority aforesaid, That Job Rothmahler, Esq. Anthony Bonneau, John Cogdell, George Heriot and Samuel Smith, shall be, and they are hereby appointed, commissioners for putting this Act in execution; and in case of the death or removal of any one or more of the said commissioners, the remainder of them shall have power to appoint an equal number of other proper persons to serve as commissioners in the room of such as shall be so dead or removed.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1212. *AN ACT TO INDEMNIFY BRIGADIER GENERAL ANDREW PICKENS, AND SUCH PERSONS AS HAVE ACTED UNDER HIM, FROM VEXATIOUS SUITS, ON ACCOUNT OF THEIR TRANSACTIONS DURING THE BRITISH USURPATION IN THIS STATE.*

Preamble.

WHEREAS, in the years of our Lord one thousand seven hundred and eighty-one, and one thousand seven hundred and eighty-two, during the British usurpation in this State, Brigadier General Andrew Pickens, the better to preserve the liberties and independence of this country, and the more effectually to carry on the war against the inveterate enemies thereof, was under the necessity (in the then situation of public affairs) of taking nine negroes belonging to persons with the enemy, and of disposing of them for such public services as the Legislature has on examination approved; and whereas, the said Brigadier General Andrew Pickens, during the said years, was also under the necessity of allowing such men as would engage to serve against the ene-

A. D. 1784.

my for six months together, a cow and calf per month, in lieu of pay, which cows and calves were the property of, or taken from, the plantations of such persons as adhered to the enemy; and whereas, in order to carry on, in the year one thousand seven hundred and eighty-two, a necessary expedition in the Cherokee country, the said Brigadier General Andrew Pickens deemed it expedient to promise in brigade orders that the property that should be captured on the said expedition from the enemy, should be divided amongst the troops serving thereon, except such property as belonged to active friends, which was to be restored without salvage, and except such property as belonged to inactive friends, which was to be restored on payment of a third salvage; and whereas, twenty-two negroes belonging to our friends were taken on the said expedition and restored to them without any salvage or expence, and nine negroes belonging to persons in arms with or adherent to the enemy, were taken on the same expedition, and divided amongst the militia serving thereon; and whereas, satisfactory proof of the said transactions have been laid before the Legislature of this State, and it has appeared to them that the said Brigadier General Andrew Pickens had acted as an excellent officer and good citizen, anxious to free his country from British tyranny, and at the same time, as far as the exigencies of the service would permit, carefully to preserve their private property to the citizens of this State; and whereas, many of the above recited acts cannot be justified by the strict forms of law, and yet were exceedingly necessary, and so much for the service of the State, that they ought to be justified by Act of Assembly, and the said Brigadier General Andrew Pickens and the persons who acted under him ought to be indemnified on account thereof;

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all personal actions and suits which have been or shall be commenced, and all proceedings whatsoever, and judgments thereupon, (if any be,) for or by reason of the above recited orders and transactions, or any of them, shall be, and they are hereby, discharged and made void; and the said Brigadier General Andrew Pickens, and all and singular the persons who acted under him, shall be, and they are hereby, freed, acquitted and indemnified, against all and every other person and persons, on account of the above recited orders and transactions; and all divisions, allotments and sales of property in consequence of the above recited orders and transactions, are hereby confirmed and declared valid; and the said property is hereby declared to be vested in such persons to whom they were so delivered, allotted or sold, their executors, administrators or assigns; and if any action or suit shall be commenced against any person for any of the above orders or transactions, he or she may plead the general issue and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs shall become non-suit or suffer discontinuance, or if a verdict pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her or their double costs, for which he, she or they shall have the like remedy as in cases where costs by law are given to defendants.

Personal suits  
in consequence  
of the above  
orders shall be  
void.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

Oath.

are hereby required, authorized, and empowered, to administer the following oath to the chain-carriers, to wit: "I, A B, do solemnly swear or affirm that I will well and truly execute the employment of chain-carrier, without favor or affection."

Warrants not paid for within 3 months shall be null and void.

IX. *And be it further enacted* by the authority aforesaid, That all such person or persons who shall obtain warrants of survey, and shall fail to pay into the treasury the moneys or treasury indents herein prescribed to be paid and received for all lands to be granted under and by virtue of this Act, within three months after the plat of survey shall be returned to the surveyor general by the respective commissioners of locations, all such warrants of survey are hereby declared to be null and void, and the lands shall be granted to any person or persons who shall apply for the same, and fulfil the conditions on which the said lands were to have been originally granted: Provided, nevertheless, that where a certificate is produced of an account unsettled in the hands of the auditor general, the person producing the certificate shall have a credit for six months longer, for the amount of his account, on paying interest for the purchase money from the date of his grant.

Proviso.

No warrant to be had for more than 640 acres.

X. *And be it further enacted* by the authority aforesaid, That no person whatsoever shall obtain a warrant of survey for more than six hundred and forty acres, and that to be laid in one body, except confined by lines, or shall acquire, hold, or possess, under and by virtue of this Act, in his own right or in the right of another, either directly or indirectly, a larger quantity than is above mentioned; and all warrants and grants obtained, and evading or tending to evade, the true intent and meaning hereof, are hereby declared to be surreptitiously and fraudulently obtained, and shall be null and void.

Persons applying for a warrant to take an oath.

XI. *And be it further enacted* by the authority aforesaid, That every person who shall apply for a warrant of survey shall, previous to his obtaining the same, take the following oath or affirmation, to wit: "I, A B, do swear or affirm, that I have not heretofore applied for, or obtained from this or any other office in the State, under or by virtue of this Act, either in my own name, or in the name of any other person, any warrant or warrants of survey, for more than six hundred and forty acres of land. So help me God." Which said oath or affirmation shall be administered by the surveyor general, or any one of the commissioners of locations; which said oath or affirmation shall be sent to the respective commissioners of locations in their said offices, before any warrant of survey shall issue for the same.

Laying off vacant lands on navigable streams.

XII. *And be it further enacted* by the authority aforesaid, That on all creeks or rivers, navigable for shipping or boats, whereon any vacant lands shall lie, the deputy surveyors shall, and they are hereby directed to, lay off the same by measuring four chain back from such river and creek for every one fronting on and bounded by the same; and all surveys not made and regulated by this rule, and any grants which may be obtained thereupon, are hereby declared to be null and void to all intents and purposes.

Treasury indents a legal tender for lands.

XIII. *And be it further enacted* by the authority aforesaid, That all treasury indents of money due and payable by this State to individuals, shall, and they are hereby declared to, be lawful tender at the treasury, as so much money, in payment of all moneys accruing and to become due to this State for lands hereby directed to be granted and sold; any thing herein contained to the contrary notwithstanding.

Fees to the surveyor general, &c.

XIV. *And be it further enacted* by the authority aforesaid, That the following fees, and no other, shall be demanded or taken by the secretary of the State, surveyor general, commissioners of locations, and deputy

surveyors, who shall make out a table of the same, and keep posted up in some conspicuous part of their said offices; and each and every of the said respective officers, who shall demand or receive any greater or other fees than is allowed by this Act, each and every such person shall be liable to an indictment for extortion, and on conviction thereof shall pay a fine of one hundred pounds sterling, one-half to be paid to the prosecutor, and the other to the treasurers for the time being, for the use of this State. Secretary of the State's fee for making out the grant, recording the same, and fixing the great seal thereto, ten shillings sterling; surveyor general's fee for every search, one shilling and two pence sterling; copy plat, four shillings and eight pence; recording and sending the same to the secretary's office, seven shillings and sixpence; commissioners's of locations fees; for receiving applications, making entries, and granting warrants of survey under hand and seal of office, four shillings and eight pence; for receiving returns of, and recording plats, and transmitting the same to the surveyor general's office, seven shillings; deputy surveyor's fees; for surveying every acre, a half penny sterling; platting and returning the same, eleven shillings and eight pence; for running of old lines for any person, or between parties, fourteen shillings sterling per day.

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XV. *And be it further enacted* by the authority aforesaid, That all persons obtaining grants of land as aforesaid, shall, and they are hereby required to, settle and cultivate the same within two years thereafter, or at least twelve months, before he shall be at liberty to alienate the same, by gift or sale, except in devising the same by will; and all such sales and conveyances made contrary to the true intent and meaning hereof, are hereby declared to be null and void.

Lands to be cultivated 12 months before they can be alienated.

XVI. *And be it further enacted* by the authority aforesaid, That the said surveyor general hereby to be appointed, shall not, during the time he is in office, on any pretence whatever, hold any other place or office of emolument, under the United States in Congress assembled, or under the Legislature of this State.

Surveyor general to hold no other office.

XVII. And whereas, many persons have caused surveys of land lying beyond the Indian boundary, to be made, which practice is not only founded in deception, but contrary to the regulations heretofore established for taking up vacant land; *Be it therefore enacted*, by the authority aforesaid, That all grants and surveys passed or made for lands lying beyond the Indian boundary hereinbefore mentioned, before the passing of this Act, shall, and are hereby declared to, be null and void.

Surveys made beyond the Indian boundary declared null.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of locations in the several districts shall keep their respective offices at or near the centre of the district wherein he is commissioner, and shall give regular attendance every day (Sundays excepted;) and no entry shall be made, or warrant given, to survey any lands, until two months after the passing of this Act, in which time the surveyor general shall appoint and qualify the several deputy surveyors respectively hereinbefore mentioned to be appointed: Provided always, that nothing in this Act contained shall extend to entitle any person or persons to lay warrants of survey, or receive grants of lands appropriated by the resolution of the Legislature, as a provision for the officers and soldiers of the continental line of this State, except such persons as are entitled thereto under the said resolution.

Office of commissioners to be kept in the centre of the district.

Proviso.

In the Senate House, the twenty-first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

A writ of execution to issue against those not appearing, &c.

the attorney general, or other person acting in his stead, is hereby authorized and required forthwith to cause to be issued a writ of *scire facias*, to summon every such conusee or conusees to be and appear at the next ensuing court, and shew cause (if any he or they have) why execution should not go against him or them respectively; and if any such conusee or conusees shall neglect or refuse to appear, by himself or his attorney, at the return of the said writ, or in case he or they shall appear and shall fail to give such reason and excuse for not performing the condition of such recognizance, as to the court shall be deemed sufficient, then, and in every such case, judgment shall be confirmed, and a writ of execution, by *feri facias* or *capias ad satisfaciendum*, shall issue forthwith, and shall run through any and every district of this State, in which such conusee or conusees shall respectively reside, or shall possess or be seized of lands or tenements, goods or chattels; and the sheriff of every such district is hereby authorized and required to obey and execute every such writ respectively, either by arresting the body, or by sale of the goods and chattels, lands and tenements, of all and every such conusee or conusees respectively, according to the usage, custom, manner and form and proceedings of law heretofore by the sheriffs of this State exercised by law, in executing writs of *feri facias* or *capias ad satisfaciendum*: Provided always, that no recognizance shall be deemed good and sufficient in law, or shall be liable to be estreated under this Act, unless such recognizance be signed and sealed by each conusee in the presence of one of the judges or a justice of the quorum or of the peace, who shall certify the same.

Proviso.

Forfeitures remitted in certain cases.

II. And whereas, many recognizances have been or hereafter may be forfeited or estreated into the public treasury, against persons, for breach of the condition of any such recognizances, many of which neglects or defaults may or shall have happened through the inattention of ignorant people or unavoidable impediments; for remedy whereof, it shall be lawful for the judges of the courts of sessions, or any one of them, on petition and affidavit by or on behalf of any person or persons impleaded or prosecuted, or liable to be impleaded or prosecuted, for the forfeiture or estreat of his or their recognizance, such conusee giving such excuse for default as shall be sufficient, to remit the whole or compound for any part of the amount of such recognizance, and thereupon to discharge the conusee from such part thereof as shall seem meet.

Appropriation of monies estreated.

III. And be it further enacted by the authority aforesaid, That all such sum and sums of money as shall arise and be collected by the estreat of such recognizances as aforesaid, shall be delivered and paid into the public treasury of this State, to go in aid of the revenue thereof; subject, however, to the payment of the sum of three pounds sterling for every session sermon preached in Charleston or at the district courts of this State. And the sheriff of each district, after levying any monies on any such estreat, shall, as soon as may be, make a just and fair return and payment thereof, upon oath, to the commissioners of the treasury, under the penalty and forfeiture of his office, and also of treble the amount of such estreat, for the use of the State.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

**AN ACT FOR THE LEVYING AND COLLECTING AN IMPOST ON TRANSIENT No. 1216.**  
**PERSONS, AND OTHERS, NOT CITIZENS OF ANY OF THE UNITED STATES.**

WHEREAS, transient persons coming into this State to trade, do enjoy all the advantages of the citizens thereof, without contributing to the support of the Government :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this Act, all transient persons who shall import and bring into this State, (the citizens of any other of the United States excepted,) or in the ports or harbors thereof, any goods, wares, or merchandises, with intent to sell or dispose of the same, shall, within twenty-four hours after the ship or vessel in which the same shall be imported is brought to an anchor, and before bulk is broken, deliver in such an entry, upon oath, to the commissioners of the treasury for the time being, as is directed by the impost Act, passed the thirteenth day of August, one thousand seven hundred and eighty-three, with this difference only, that it shall be known and distinguished by the title of the "Transient Duty Entry," and it shall specify, as well the quantity as the original cost or value of all the goods, wares, and merchandises so imported.

Transient persons to make entry on oath of all goods for sale.

II. *And be it further enacted* by the authority aforesaid, That on the amount of the said first cost of such imports, shall be levied a duty of two per cent. to be paid, or secured to be paid, to the commissioners of the treasury in three months from the time of entry, in addition to the imposts already laid, and which said transient duty shall be applied to the use and service of this State.

Duty of 2 per cent. to be levied in addition to the imposts.

III. *And be it further enacted* by the authority aforesaid, That if any ship or vessel, (in which may be imported goods, wares, or merchandises, subject to a transient duty,) should arrive at any other port or harbor within this State than the port or harbor of Charleston, in such case it shall and may be lawful for the collector at the port where such ship or vessel may arrive, and he is hereby accordingly required and appointed to receive, or have secured, the transient imposts, penalties, and forfeitures; as well as those imposts, duties, penalties, and forfeitures, directed by the aforesaid Act of the thirteenth of August, one thousand seven hundred and eighty-three, and to transmit fair and just accounts thereof, from time to time, to the commissioners of the treasury, and on the receipt of payment of such transient imposts, penalties and forfeitures, to deposite the same, within one month thereafter, in the public treasury of this State, on pain of forfeiture of five hundred pounds sterling.

Said duty to be paid at any port in this State.

IV. *And be it further enacted* by the authority aforesaid, That if any person shall neglect or refuse to deliver an entry on oath, of his invoice or invoices, to the treasurer or collector, as the case may be, who are hereby empowered and required to administer such oath, the person so offending shall forfeit the sum of five hundred pounds sterling, one moiety thereof to the use of the State, and the other moiety to him or them who shall inform and sue for the same, to be recovered, with costs of suit, in any court of record in this State: Provided always, nevertheless, that nothing herein contained shall extend, or be construed to extend, to persons who come with their effects for the express purpose and intention of settling and becoming citizens of this State.

Penalty on neglect of making entry.

Proviso.

A. D. 1784.

Persons may  
plead the gen-  
eral issue.

V. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be brought or prosecuted in any court of record in this State, against the said treasurers, or any other person or persons whomsoever, for any matter or thing done, or to be done, by him, them, or any of them, by virtue of, or in pursuance of, the direction of this Act, it shall and may be lawful for him or them to plead the general issue, and to give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, be nonsuited, or verdict shall pass against him or them, then the judges of the said court shall tax and allow such defendant or defendants, his or their double costs of suit.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1217. *AN ACT TO REGULATE THE INSPECTION AND EXPORTATION OF TOBACCO OF THE GROWTH AND PRODUCE OF THIS STATE, AND FOR OTHER PURPOSES.*

Preamble.

WHEREAS, it is necessary to inspect the article of tobacco before the same is exported to foreign markets, or consumed at home, in order to prevent its being brought into discredit by the fraud or negligence of those who shall cultivate or export the same:

Warehouses to  
be erected for  
the inspection  
of tobacco.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That proper warehouses shall be erected by the commissioners hereinafter to be appointed, where all tobacco, previous to its being exported, or exposed to sale by the hogshead, shall be deposited for inspection, in the manner hereinafter to be directed; which warehouses shall be established at the following places, that is to say, one warehouse or warehouses in the city of Charleston, at Gen. Gadsden's wharf; one warehouse or warehouses at Beaufort; one warehouse or warehouses at Georgetown; one warehouse or warehouses at the Cheraw Hill; one warehouse or warehouses at the most convenient place at or near the head of the navigation upon Savannah river; one warehouse or warehouses at or near Friday's Ferry, on the Congaree river; and one warehouse or warehouses on the Wateree river, near Camden; and the commissioners hereinafter respectively appointed, or a majority of them, shall, and they are hereby directed to, contract for, and cause the said warehouses to be erected, of such materials, size, and dimensions, for the receipt of tobacco to be inspected, as to them shall appear fit and necessary; and if any person shall so furnish land, and erect the necessary warehouses thereon, at his own expense, such commissioners shall have power to promise and contract for the use of the same, on such an annual rent as they shall adjudge the same to be worth, which rent shall be paid by the inspector at each warehouse, by order of the commissioners, or any two of them, out of the moneys arising from the impost on inspected tobacco, hereafter to be imposed by this Act; and the inspectors at the several warehouses shall make an annual return, upon oath, in the month of May in every year, to the treasury

Inspectors to  
make annual  
return of mo-  
nies.

of this State, of all moneys by them received on the impost of inspected tobacco, and shall pay the balances in their hands, if any there be after the necessary expenses of the inspection established by this Act are defrayed.

A. D. 1784.

II. *And be it further enacted* by the authority aforesaid, That every tobacco hogshead shall be made of well seasoned timber, the staves whereof shall not exceed four feet two inches in length, and the outside of each head shall not exceed two feet nine inches diameter, and shall be branded with the initial letters of the maker's name; which hogshead so made shall contain not less than nine hundred and fifty pounds of neat tobacco; which tobacco shall be sound, in good order, free from all dirt, trash, or unsound and unmerchantable tobacco; and the hogshead in which such tobacco shall be packed, shall be in good condition at the time of inspection, and sufficient to preserve the contents from damage on the exportation thereof to foreign markets.

Hogsheads to be made of well seasoned timber.

III. *And be it further enacted* by the authority aforesaid, That the several inspectors shall receive into their warehouses, and uncase every hogshead, which he shall tare separately, and shall then inspect without delay all tobacco brought thereto for inspection, and on finding it clean, sound, and merchantable, shall brand the same with the letters S C, and shall also number such hogshead on the head and bulge thereof, and deliver to the owner thereof a note or certificate for the same, in which shall be expressed the brand of the maker, the number, the warehouse where the same was inspected, the gross weight, the weight of each cask, and the neat weight of tobacco contained therein; which note shall entitle the bearer to take and receive such tobacco, on presenting the same to an inspector, and export such tobacco to any foreign market.

Inspector to uncase every hogshead, which he shall tare separately.

IV. *And be it further enacted* by the authority aforesaid, That where any person shall bring one or more hogsheads of tobacco to any warehouse to be inspected, which on examination shall be found unclean, unsound, or unmerchantable, such person shall have the privilege of picking the same, and separating such as is good from the bad; and the inspector shall give a certificate to the owner, expressing the weight of such good tobacco, and that the same is ready to be delivered to the bearer of such note; and an apartment in each of the respective warehouses shall be made for the reception of such small parcels of tobacco, which may be prized into hogsheads, at the expense and in the manner such owner or owners shall order and appoint; and such bad tobacco as may be refused by the inspectors, shall be publicly burnt by the inspectors.

Owners can pick such as is found to be unsound.

V. *And be it further enacted* by the authority aforesaid, That if any master or owner of any ship or vessel, shall lade on board such ship or vessel, in any river, port, or harbor within this State, in order to be exported, any tobacco, and shall not produce to the collector of the port from whence such ship or vessel shall sail, inspectors' notes or certificates, or an attested copy of such notes or certificates, from the inspector's books, for all tobacco which he shall put on board, or shall presume to carry any tobacco to sea without having duly entered the same, and obtained a clearance from such collector, all such tobacco shall be seized and sold, and the money arising paid into the treasury of this State, in aid of the public revenue; and every such master or owner of every ship or vessel bound to sea, shall take the following oath, to be administered by the collector, that is to say: "I, A B, do solemnly swear or affirm, that I have no other tobacco on board the ship (or vessel) called the —, than which is contained in the manifest now delivered by me. So help me God." And if any person shall be convicted of having knowingly taken a false oath or affirmation

Master or owner of any ship laden with tobacco to produce inspector's certificate.

Oath.

A. D. 1784.

Inspectors to provide scales, &c. and to report annually the number of hogsheads inspected.

Inspectors' fees.

Storage is. per hogshead.

Names of commissioners to carry this act into execution, and appoint the several inspectors.

in this respect, such person shall suffer as in cases of wilful and corrupt perjury.

VI. *And be it further enacted* by the authority aforesaid, That the several inspectors shall keep and provide at their respective warehouses, good and sufficient scales, weights, prizes, and all other necessary machines and implements, at their own expense, and shall enter in books to be kept for that purpose, the number of all hogsheads of tobacco by them inspected in each year, and shall, in the month of May annually, deposite in the office of the collector of the port of Charleston, an exact account of the number of such hogsheads as hath been inspected and passed by them in the preceding twelve months, there to be kept; and shall moreover be allowed to take and receive the following fees for inspecting and giving notes or certificates hereinafter following, to be paid by the person to whom the said tobacco shall be delivered for exportation: For inspecting every hogshead of tobacco, branding, weighing, and giving notes or certificates thereof, except in Charleston, three shillings per hogshead; if inspected, branded, and weighed in Charleston, four shillings and eight pence; for packing and prizing every hogshead of tobacco made up of small parcels of inspected tobacco, at the expense of the inspector, except in Charleston, four shillings and eight pence per hogshead; if packed and prized in Charleston, six shillings; for picking, if any person shall be employed, one-sixth part of the tobacco for the first six hundred weight, and five per cent. on such as may be found good above that in every hogshead.

VII. *And be it further enacted* by the authority aforesaid, That every hogshead of tobacco inspected at any warehouse hereinbefore mentioned, shall be liable to a storage of one shilling per hogshead, to be paid by the person to whom such hogshead is delivered after inspection, which storage shall remain in the hands of such inspector, if it be a public store, as a fund for answering and defraying the necessary expenses incurred for rent or building of the warehouses at the respective places, and keeping the same in good repair, and shall be applied by order of the commissioners, at any time, for that purpose; and if any balance shall remain in their hands after such expenses are defrayed, the same shall be accounted for, and paid as aforesaid into the treasury.

VIII. *And be it further enacted* by the authority aforesaid, That the following commissioners, at the respective places before mentioned, shall be, and they are hereby, appointed to carry this Act into effectual execution; that is to say, for the inspection in the city of Charleston, the city council; for the inspection at Georgetown, Job Rothmahlar, Esq. John Cogdell and Daniel Tucker; for the inspection at Beaufort, Thomas Heyward, William Hazard Wigg, and Thomas Talbird, Esqs.; for the inspection at Cheraw Hill, Benjamin Hicks, senior, John Westfield, and William Ellerby, senior; for the inspection on Savannah river, Anthony Simkins, John Herdon, Esq. and John Bardell; for the inspection at or near Friday's Ferry, on the Congaree river, Thomas Taylor, Wade Hampton, and Uriah Goodwin, Esqs.; for the inspection at the Wateree, near Camden, William Wylly, John Chesnut, and John Galbraith; which said commissioners shall have full power and authority to nominate and appoint the several inspectors at the several warehouses hereinbefore mentioned, which appointment shall consist of one at each place, and shall take good bond and security from each person so appointed, in the sum of one thousand pounds sterling, conditioned for the well and faithful discharge of his duty, payable to the treasurers of this State, and lodged in the treasury office; and if any of the inspectors shall neglect to give proper attendance at all

reasonable hours, or shall be guilty of any malpractices, each inspector so offending may be removed at the pleasure of the commissioners who appointed him, and such commissioners shall have full power and authority to appoint another in his room: Provided, that no such removal shall be lawful, unless such inspector hath liberty to make his defence, and an opportunity given him to disprove the charges on which such removal is sought for.

A.D. 1784.

IX. *And be it further enacted* by the authority aforesaid, That each inspector, previous to his entering on said office, shall take the following oath or affirmation before the commissioners by whom he is appointed, and who are hereby empowered to administer the same, to wit: "I, A B, do sincerely promise and swear or affirm, that I will well and faithfully inspect all tobacco which shall be brought to me for inspection, without partiality, favor, or affection, according to the best of my judgment. So help me God."

Oath of inspector.

X. *And be it further enacted* by the authority aforesaid, That after one year from the passing of this Act, all rice barrels in which any merchantable rice may be offered for sale, shall be of the dimensions following: that is to say, the whole barrels thirty-seven inches in the staves, and twenty-four inches wide at each head; and the half barrels thirty-seven inches long in the staves, and fifteen inches wide at each head.

Size of rice barrels after one year.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT FOR LEVYING AND COLLECTING CERTAIN DUTIES AND IMPOSTS** No. 1218.  
THEREIN MENTIONED, IN AID OF THE PUBLIC REVENUE; AND FOR REPEALING AN ACT ENTITLED "*An Act for levying and collecting certain Duties and Imposts therein mentioned, in aid of the Public Revenue,*"  
PASSED THE THIRTEENTH DAY OF AUGUST, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, in General Assembly met, and by the authority of the same, That all and every person or persons to whom licence shall or may be granted, in manner hereinafter directed, for keeping tavern, inn, ordinary, punch or ale house, or for retailing wine, brandy, gin, rum, beer, cider, punch, or any spirituous liquor or strong drink whatsoever, in any quantity less than three gallons, within the parishes of St. Philip and St. Michael, shall pay for every such licence the sum of ten pounds sterling money to the city council, for the use of the corporation; and all and every person and persons to whom licences shall or may be granted in manner herein after mentioned, for keeping a billiard table in the parishes of St. Philip or St. Michael, shall, for every such licence, pay the sum of fifty pounds sterling to the city council, for the use of the corporation; which licences shall be granted by the city council or court of wardens in Charleston;

Tax on licences.

A. D. 1784.

Country  
licences.

and every licence which shall be granted by virtue of this Act, shall continue and be of force for the term of one year, and no longer.

II. *And be it further enacted* by the authority aforesaid, That except within the limits of the abovementioned parishes, two or more magistrates, for the respective districts of this State, shall be, and they are hereby, authorized and empowered, on every Easter Monday, and the first Monday in August, to grant certificates to any person or persons in their respective districts, who may apply for the same, if they in their judgment shall think such person or persons fit and qualified to keep a tavern, inn, ordinary, punch, ale house or billiard table, or to retail strong liquors as aforesaid; and the person or persons to whom such certificate shall be by them granted, shall produce the same to the clerk of the court of sessions for the district in which he, she or they resides, and the clerk of the said court is hereby required, on the production of such certificate, to [grant licence to] such person or persons, who are to pay to the said clerk one dollar for his trouble in making out every such licence; and also the sum of three pounds sterling for every licence to retail spirituous liquors; and the sum of fifty pounds sterling for every licence to keep a billiard table; which sum or sums the said clerks are respectively required to pay, or cause to be paid, into the public treasury of this State, within three months after the receipt thereof, under the penalty of fifty pounds sterling for every neglect or default.

Penalty on  
selling liquor  
or keeping a  
billiard table  
without  
licence.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons within this State, not duly licenced in manner above directed, shall at any time presume to keep a billiard table, tavern, inn, ordinary, punch or ale house, or retail any wine, brandy, rum, gin, beer, cider, punch, or any spirituous liquor or strong drink whatsoever, in any quantity less than three gallons, he, she or they shall forfeit the sum of fifty pounds sterling for every such offence; to be recovered by bill, plaint or information, in any court of record in this State, by any person who shall inform and sue for the same; one half thereof to be paid to the said informer, and the other half to the public treasury for the use of this State.

Duty on  
Negroes.

IV. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, there shall be levied and paid the following duties and impositions on all negroes and other slaves, hereafter to be imported into this State, by the person or persons importing the same, that is to say: for every negro or other slave directly from Africa or Asia, or on every African negro or slave who has not remained in any other part of the world longer than three months, the sum of three pounds sterling, sucking children excepted; and on every negro or other slave who shall be imported from any other part of the world, the sum of five pounds sterling; provided, that nothing herein contained shall be construed to impose a duty on any negroes or other slaves that may be imported into this State from any of the United States, after a residence of six months, or on any other negroes or other slaves who having been the property of some citizen of America have absconded, been carried or sent off by their owner, or have been carried off by the enemy; provided always, that every person and persons coming here singly or with their families, either as travellers, or for the recovery of their healths, shall be allowed, duty free, all such slave or slaves as he, she or they shall bring with them for his, her or their domestic service; but if such slave or slaves is or shall be sold within the State, a duty of five pounds sterling shall be paid, or secured to be paid, for the same, within two days after such sale, and upon failure of paying or securing the payment of such duty within that time, the owner or disposer of such slave or slaves shall forfeit to the use of this State

the sum of ten pounds sterling money for every slave so sold; and the slave or slaves so sold shall nevertheless be subject to the said duty.

A. D. 1784.

V. *And be it further enacted* by the authority aforesaid, That no negro or other slave liable to pay duty, upon being imported, by this Act, shall be landed in any part of this State, or suffered to quit the vessel in which he or she was brought to this State, before the duty hereby imposed on him or her be paid by the importer or his agent; and if any negro or other slave shall be landed in any part of this State, or suffered to quit the vessel in which he was brought here, before such duty is paid, or secured to be paid, it shall and may be lawful for the collector, searcher or waiter, and he and they is and are hereby authorized and empowered, to seize and take all and every such negro and other slaves; and the said negroes and other slaves so seized and taken, are hereby declared forfeited to the use of the State, to all intents and purposes whatsoever; and if the said negroes and other slaves cannot be found, then the importer shall forfeit the value of them, at the rate of sixty pounds sterling per head, the one moiety to the State, and the other moiety to the collector, searcher or waiter who shall sue for them; provided, that nothing herein contained shall extend, or be construed to extend, to subject the negroes or slaves to seizure who are required to be landed and aired during the time they are obliged to perform quarantine.

Duty to be paid before negroes are landed.

Proviso.

VI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, all and every person or persons who shall import into this State any negroes or other slaves, or their agents or factors to whom the same shall be consigned, shall be, and they are hereby, obliged and required, within twenty-four hours after the vessel in which such negroes and other slaves shall be imported shall have performed quarantine, to make an entry of all and every such negroes and other slaves, and the place from whence they were brought, upon oath, in the office of the collector, upon pain of forfeiting the sum of ten pounds sterling to the use of this State, for every such negro or other slave that shall be imported and of which no such entry shall be made as aforesaid, within the time appointed.

Entry to be made of all negroes imported.

VII. *And be it also enacted* by the authority aforesaid, That immediately from and after passing this Act, the rates, duties and impositions hereafter mentioned, shall be laid, imposed and paid, on importation into any part of this State, of the liquors, spirits, goods, wares and merchandises, hereinafter specified and enumerated; that is to say, on every gallon of taffia rum, one penny sterling; on every gallon of Jamaica rum, brandy, gin, arrack, anniseed and all other cordials and liquors, three pence sterling; on every gallon of windward island and other rum, two pence sterling; on every gallon of wine, of the growth and produce of the dominions of Portugal, four pence sterling; on every gallon of wine, of the growth and produce of Spain, three pence sterling; on every gallon of wine, of the growth and produce of France, and on all other wines, two pence sterling; on every cask of beer or malt liquor, containing thirty-two gallons, two shillings sterling on each cask, and in proportion for every larger or smaller quantity; on every barrel of cider, containing thirty-two gallons, two shillings sterling on each cask, and in proportion for every larger or smaller quantity; on every gallon of molasses, one penny sterling; on every pack of playing cards, four pence sterling; on every hundred weight of brown or clayed sugars, imported from any British island or plantation, two shillings sterling; on every pound of refined sugar, imported from the same, one penny sterling; on every hundred weight of brown or clayed sugars, imported from any of the dominions of France, Spain, Holland,

Duties on liquors, wines, &c.

A. D. 1784.

Denmark or Sweden, one shilling and six pence sterling; on every pound of refined sugar, from any of the last mentioned dominions, one half penny sterling; on every hundred weight of cocoa and pimento, five shillings sterling; on every hundred weight of coffee, three shillings sterling; on every pound of bohea tea, four pence sterling; on every pound of hyson tea, one shilling sterling, and on every pound of all other teas, eight pence sterling.

Domestic  
goods exempt  
from duties.

VIII. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall be construed to impose any duty whatever upon any goods, wares or merchandises of the growth, produce or manufacture of any of the United States.

Importers to  
render mani-  
fests.

IX. *And be it further enacted* by the authority aforesaid, That every master of a ship or other vessel, or merchant or other person, who shall import any liquors or other goods on which any duties or imposition is hereby laid, shall, within twenty-four hours after such ship or vessel shall be brought to anchor in any port of this State, and before bulk be broken, report the same for exportation, or make a general double entry or two manifests of his lading or cargo, which he shall sign and deliver, upon oath, to the collector of the customs; which manifests shall contain the marks and number of each package or thing containing any of the commodities aforesaid, with their weights, and the quantity of liquors, and also the name of the master and vessel importing the same; one of which manifests shall be signed by the collector, and delivered to the public treasurer for the time being. And if any person who shall import into this State any liquors or goods, on which any duty is hereby laid, shall neglect to report the same for exportation, or make the entries aforesaid, the master of the ship or vessel in which the said goods shall be imported, is hereby authorized and required to deliver the same to the collector of the port into which such vessel shall enter, and the said collector is hereby required to store the said goods, and give notice thereof in the public gazette for six months; and if the duty hereby imposed shall not be paid or secured to be paid, and the expenses of storing and advertising the same be discharged, within that time, then the said collector is authorized and required to sell the same, and, after deducting all expenses, deposit the nett amount sales with the commissioners of the treasury of this State, who shall, when required, pay the same to the owners of the said goods, after deducting the duty to which the same are liable.

Penalty for  
neglect.

Collector to  
issue passes.

X. *And be it further enacted* by the authority aforesaid, That all passes for masters of vessels, that were heretofore issued from the secretary's office, shall in future be signed by the collector, and issue from his office; any law, usage or custom to the contrary notwithstanding.

Duties to be  
paid before the  
goods are  
landed.

XI. *Be it further enacted* by the authority aforesaid, That all liquors, goods and merchandises, on which any duty is hereby imposed, shall, before they are landed, be entered or reported; that if the said goods shall be entered, the duty thereon imposed shall be paid, or secured to be paid, in the manner herein mentioned, by the importer, before the same shall be taken from any vessel, on any pretence whatsoever; and the collector is hereby required not to deliver any permit for landing any of the said commodities until the said duties shall be paid, or secured to be paid; but if any goods, wares and merchandises shall arrive in any of the ports of this State, consigned to the care of any person or persons residing in any other of the United States, in such case all goods, wares and commodities so arriving and consigned to be forwarded as aforesaid, shall be entered for exportation and sufficient security given to the collector for the

Exception.

time being, that they shall be exported in two months from the time of entry, such goods, wares and merchandises as aforesaid shall be, and they are hereby, exempted from the payment of any impost whatever. A. D. 1734.

XII. *And be it further enacted* by the authority aforesaid, That if any ship or vessel shall arrive at any port within this State, and be reported at the custom house within twenty-fours after such arrival, and sufficient security be then given to the collector for the time being, that bulk shall not be broken, nor any thing landed or reshipped, without a permit first obtained for that purpose, such ship or vessel may have liberty to remain two months from her arrival, and to depart at the expiration of that time to some other market, with the goods, wares and merchandises imported in her, and not landed or reshipped, free of any duty or impost. Security being given not to land goods, vessel may remain 2 months, and depart for another port.

XIII. *And be it further enacted* by the authority aforesaid, That if any ship or vessel on which may be loaden goods, wares or merchandises, should, by stress of weather or other unavoidable accidents, arrive at or put into any port or harbour within this State, it shall and may be lawful for such ship or vessel to land her or their cargoes, for the purpose of refitting, under such restrictions as to the collector may seem expedient; and the said goods, wares or merchandises, so landed, shall not be subject to the payment of any duties imposed by this Act, except such part or parts thereof as may be sold in this State to defray the necessary repairs and disbursements. Vessels putting in, in distress.

XIV. *And be it further enacted* by the authority aforesaid, That if any person or persons who shall import into this State any negroes, liquors, goods or merchandises, which shall be liable to duty, and shall desire forbearance for the payment of the same, it shall and may be lawful for the collectors of the said duties, and they are hereby required, to take from the said importer notes, with sufficient security, for the payment of the same, upon the following terms, that is to say; for the payment of the duty upon all goods and merchandise of the growth or produce of the West Indies, at the expiration of four months; for the payment of duties on all goods and merchandise of the growth, produce or manufacture of Europe, six months; and for the payment of duties on negroes, nine months. Provided always, that where any goods imported into this State, and subject to the duty hereby imposed, shall be damaged before they are landed, to the value of five per cent. on the package or bale, and a certificate upon oath shall be produced to the collectors of the said duties, under the hands of three respectable merchants, citizens of this State, or of the United States, it shall and may be lawful for the said collectors, and he or they are hereby authorized and required, to remit to the importer or importers of such damaged goods, all the duties hereby imposed on such packages or bales respectively. Persons desiring forbearance of duty, on giving security may be indulged.

XV. *And be it further enacted* by the authority aforesaid, That at such times as the master of any vessel, or the merchant, importer, factor or supercargo, shall make his or their general entries or manifests with the collector, he or they making such entries or manifests shall also make oath that he or they have not put on shore, nor were privy to the putting on shore, in any port or place in this State, nor put into any boat or vessel in order to be landed, any of the said liquors, spirits, goods, merchandize or commodities hereinbefore rated and enumerated, before the making of his or their general entry or manifest as aforesaid, under the pain of forfeiting the sum of one hundred pounds sterling for every neglect or refusal to make the said oath, to be recovered and applied as is hereinafter directed; and in case any master of any ship or vessel, merchant, importer, factor or other person shall put on shore any of the said liquors, spirits or commo- Masters of vessels, &c. to take an oath that no goods have been landed, with their privy.

Penalty.

A. D. 1784.

dities, or shall put any of them into any boat or vessel in order to reship or land the same, before permit is duly obtained from the collector for that purpose, in manner hereinbefore directed, all such liquors, spirits and commodities, so landed, or put on board any boat or other vessel in order to be landed, shall be forfeited and applied to the uses hereinafter mentioned; and all persons are hereby required to be aiding and assisting to the said collector, or to any other agents, informers, seizers or discoverers, in case of their meeting with opposition in seizing or searching for any of the said liquors, spirits or commodities, unladed or landed contrary to the true intent and meaning of this Act.

Negroes, &c.  
to be landed in  
the day time.

XVI. *And be it further enacted* by the authority aforesaid, That no negroes, liquors, spirits, goods or commodities, hereinbefore enumerated for paying a duty on importation as aforesaid, shall be reshipped, landed or put on shore, but in the day time, between sunrise and sunset, on pain of all such negroes, liquors, spirits, goods and commodities being seized and forfeited.

No goods to be  
sold on board  
vessels, with-  
out a permit.

XVII. And forasmuch as the several duties imposed by this law may be evaded, in case any master, owner, importer, factor or other person, should be at liberty to sell or retail any of the liquors, spirits, goods or commodities on board the ship or vessel in which the same are imported, or in any boat or other vessel wherein the same may be put; *Be it therefore enacted* by the authority aforesaid, That no master, importer, owner, factor, supercargo or other person shall be at liberty to barter or sell, by wholesale or retail, on board any ship or vessel which shall come into this State, before a certificate or permit be first obtained from the collector, any of the liquors, spirits or goods aforesaid, on pain of forfeiture of all such goods and merchandise, spirits and liquors, and moreover the sum of one hundred pounds sterling, for every such offence, to be recovered from the seller in manner hereinafter directed.

Ten per cent.  
allowed for  
leakage or  
wastage.

XVIII. And for preventing disputes about the quantity of liquors or spirits imported and to be rated, *It is hereby further enacted* by the authority aforesaid, That the importer, without guaging the said liquors or spirits or weighing the said sugars, shall be allowed ten per cent. for leakage and wastage, upon his entry made as aforesaid; but if the owner or importer shall suspect the leakage or wastage to be greater, then the waiter shall guage the said liquors or spirits and weigh the said sugars, at the expense of the importer, and such leakage or wastage (if entered with the collector, and not otherwise) shall be allowed; and if at any time the collector or waiter shall suspect any cask or pipe or hogshead to contain a greater quantity or weight than it is entered for, then the same liquors or spirits shall be guaged by cubical inches, and sugars reweighed, and if a surplus quantity or weight shall be discovered, the importer shall make a new entry of and pay the duty on such surplus, and shall also pay for the guaging and weighing each pipe, hogshead or cask, so found to contain a surplus, the sum of one shilling sterling to the officers guaging or weighing the same.

Search may be  
made for goods  
concealed.

XIX. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the collector or waiter, with any their agents or informers, by virtue of a warrant from any justice of the peace first had and obtained, upon the oath of one or more credible person or persons, with one or more constables, to enter and search, in the day time, all cellars, shops, warehouses and suspected places, and the same to break open, if leave to enter be refused by the owner, and there to search and rummage for any liquors, spirits, goods and commodities hereinbefore rated and enumerated, and which they shall be informed were there carried and concealed, contrary to the true intent and meaning of this Act, and

the same if discovered shall be seized and forfeited; provided, that such seizure be made within one month after the time of the offence being committed. A. D. 1784.

XX. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury and the collectors of the ports of Georgetown and Beaufort, are hereby appointed receivers of all imposts, duties, dues, penalties and forfeitures, growing due and payable to this State, for the use of the public thereof, by virtue of this Act, and which shall be levied in the respective ports; of which the collectors of Georgetown and Beaufort shall fairly keep and render an account, from time to time, when thereunto required by the Governor, the Senate or House of Representatives of this State, and shall pay such taxes, duties, dues, penalties and forfeitures, which they may so receive, into the public treasury of this State, within one month after the receipt of the same, on pain of the forfeiture of five hundred pounds sterling money for every neglect or default. Receivers of the duties imposed by this Act.

XXI. *And be it further enacted* by the authority aforesaid, That the several fines, penalties and forfeitures which shall be enured or become due by virtue of this Act, shall be sued for, prosecuted and recovered by action of debt, bill, plaint or information, in any court of record in this State, wherein no essoin, privilege, protection or wager of law shall be allowed or admitted, or any more than one imparlance; and one moiety of all the respective forfeitures that shall be incurred by virtue of this Act, which are not hereinbefore particularly appropriated, shall enure and be to the use of this State, and shall be applied and paid as shall from time to time be directed by the General Assembly, and the other moiety thereof shall go to him or them who will inform and sue for the same; provided, that such fines, penalties and forfeitures be sued for within one month after the offence committed, and not after. Fines, &c. how to be recovered and appropriated.

XXII. *And be it further enacted* by the authority aforesaid, That if any liquors, spirits, goods or commodities shall be seized for any offence committed or done against this Act, and the property be claimed by any person or persons as importer thereof; the burthen of the proof shall lie upon the owner or claimer, and not upon the prosecutor or informer. Goods seized, and claimed.

XXIII. *And for the encouragement of persons to be watchful and careful in the discovering of frauds in the importing, landing or selling of goods, without a permit first had and obtained from the collector aforesaid, Be it further enacted* by the authority aforesaid, That one moiety of all the liquors, spirits, goods or commodities which from time to time shall be seized and forfeited by virtue of this Act, shall go to the use of this State, and be applied as the General Assembly shall direct and appoint; and the other moiety shall go to the person who shall seize, secure and sue for the same, to be tried, heard, adjudged and determined in the court of common pleas in this State, which court is hereby vested with full power and authority for the trying, hearing, adjudging and determining any offence, penalty or forfeiture incurred by this Act, where the value of the seizure or forfeiture shall exceed three pounds sterling. Informers to receive one half of the seizure.

XXIV. *And be it further enacted* by the authority aforesaid, That a duty of two and a half per cent. shall be imposed on the value of all goods, wares and merchandises not hereinbefore enumerated, except of the growth, produce or manufacture of some of the United States, to be collected in the same manner and by the same persons, and subject to the same regulations, penalties and forfeitures as the above enumerated articles; and that the value of such imports shall be ascertained by the invoices and bills of lading thereof, which shall be produced and attested by the importers before some one magistrate of this State, and given in to the col- Duty of 2 1/2 per cent. on goods not herein enumerated.

A. D. 1784.

lector of the port into which such goods shall be brought, before' they are landed.

Appropriation  
of monies  
arising from  
duties.

XXV. *And be it further enacted* by the authority aforesaid. That the monies arising from all the duties and impositions hereinbefore laid and imposed, except the duties upon tavern licences, billiard tables, and the importation of negro slaves, shall be appropriated towards the payment of this State's quota of the interest and principal of the debts contracted on the faith of the United States, for supporting the war; and the treasurers are hereby empowered and directed to pay the said monies into the hands of the receiver of continental taxes for this State, in specie or good bills of exchange, as the same shall from time to time come into the treasury.

No replevin to  
lie for delivery  
of goods seized.

XXVI. *And be it further enacted* by the authority aforesaid, That no replevin shall lie nor be granted for the delivery of any liquors, spirits, goods or commodities seized by virtue of this Act, but that any of the judges of the court of common pleas in this State may make an order in case of goods perishable only, to have the same appraised and valued, upon giving security for the value of such goods.

Persons sued  
may plead the  
general issue.

XXVII. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be brought or prosecuted in any court of record in this State, against the said collector or any other person or persons whomsoever, for any matter or thing done or to be done by him, them or any of them, by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for such collector and other person and persons to plead the general issue, to give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit shall discontinue, become nonsuit, or a verdict shall pass against him or them, then the judge and judges of such court shall tax and allow to such defendant and defendants his and their double costs of suit, for which every such defendant and defendants shall have like remedy as in other cases where costs by law are given to the defendants; and this Act is hereby declared to be a public Act, and to be taken notice of in all courts in this State, without special pleading.

Certain negroes  
allowed to be  
brought back  
into the State.

XXVIII. And whereas, a number of negroes, the property of persons formerly resident in this State, but now absent therefrom and not permitted to return, and whose property is confiscated, were removed from and are now without the limits of this State, and the bringing back such negroes would be advantageous to the revenue and agriculture thereof; *Be it enacted* by the authority aforesaid, That it shall be lawful for any citizen of this or the United States to purchase and import, or bring into this State, the negroes above described, upon payment of the duties hereby imposed on negroes imported immediately from Africa.

Limitation of  
this Act.

XXIX. *And be it further enacted* by the authority aforesaid, That as soon as an Act entitled "An Act for investing the United States in Congress assembled with power to levy, for the use of the United States, certain duties upon goods imported into this State from any foreign port, island or plantation," passed the twenty-first day of March, instant, shall be concurred to by the other States, and have an operation in this and the other United States, that then this Act shall cease and determine, except such parts thereof as impose duties on negroes, tavern licences and billiard tables.

A former Act  
repealed.

XXX. *And be it further enacted* by the authority aforesaid, That all and every clause, matter and thing, in an Act entitled "An Act for levying and collecting certain duties and imposts therein mentioned, in aid of the

public revenue," passed the thirteenth day of August, one thousand seven hundred and eighty-three, be, and the same is hereby, repealed. A. D. 1784.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT TO PREVENT THE SPREADING OF CONTAGIOUS DISTEMPERS IN THIS No. 1219.  
STATE.**

WHEREAS, it is proper to repeal all the laws of this State respecting the spreading of contagious distempers, and to enact one law for that purpose, different from those hitherto enforced respecting the same : Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That an Act entitled "An Act for preventing as much as may be the spreading of malignant and contagious disorders in this Province, and for repealing former Acts and paragraphs of Acts heretofore made for that purpose," passed the seventh day of April, one thousand seven hundred and fifty-nine ; also, an Act entitled "An Act for reviving and amending the aforesaid Act," are hereby repealed. Act of March 7th, 1759, repealed.

II. *And be it further enacted* by the authority aforesaid, That no vessel coming into any harbor or port within this State, shall be suffered to pass the respective forts or places appointed by the Governor and Council for examination of vessels coming into this State, nor shall any person be suffered to land from any such vessel, before she shall be examined by some person to be appointed for that purpose, in manner as hereinafter mentioned ; and every pilot, or other person, who shall bring, or attempt to bring, or cause to be brought, into any port of this State, any vessel or her crew, beyond the places appointed for the examination aforesaid, without being examined as aforesaid, shall forfeit and pay, the one-half to the use of this State, and the other half to the use of such person as shall sue for the same, the sum of one hundred pounds sterling : No vessel to come into port before being examined. Provided, nevertheless, that nothing herein contained shall extend to persons who may be shipwrecked. Proviso.

III. *And be it further enacted* by the authority aforesaid, That the commanding officer of the forts within the different harbors of this State, appointed by the Legislature or Executive of this State, for bringing vessels to, for examination, or persons appointed for examination of such vessels, shall, before any person shall be permitted to pass such place where they are to be examined as aforesaid, cause the captain, or commanding officer of every such vessel, to declare on oath respecting the state and condition of such vessel, and the health of the place from whence she came, and of the health and condition of the crew of every such vessel, as well at the time of leaving her last port, as at the time of examination, before she shall be permitted to proceed into any such port within this State ; and if any such commander of any such fort, or any such per- Captains of vessels to make oath of the condition of their vessels.

A. D. 1784.

Commanders  
of forts to stop  
infected ves-  
sels.

son so to be appointed for examination of any such vessel and her crew, as aforesaid, shall, upon examination of any such vessel and her crew, apprehend, or have reason to believe, that the plague or any infectious distemper (except the smallpox) shall be on board any such vessel, or that the crew are infected with the same, or that the place from whence she last came was infected with any such malignant disorder, the said commanding officer of such fort, or person appointed to examine such vessel and her crew, shall immediately stop such vessel from proceeding further into port, and prevent any of her crew from landing, until the pleasure of the Governor or Commander-in-chief of this State shall be known, who shall thereupon cause such vessel and her crew to be examined by an experienced physician, or two, and if deemed necessary, shall cause such vessel and her crew to perform such quarantine as shall be deemed by the said Governor or Commander-in-Chief most proper and requisite, to check or prevent any such distemper from spreading in this State.

Masters of ves-  
sels performing  
quarantine to  
obey the orders  
of the Governor

IV. *And be it further enacted* by the authority aforesaid, That all and every vessel and crew which shall perform quarantine within this State, shall, from time to time, during such quarantine, obey all and every order respecting the victualling, purifying, and cleansing of such vessel, and the intercourse of her crew with the inhabitants of this State, on the landing of her crew, and such quarantine, as shall be given from time to time by the Governor or Commander-in-chief, in writing; and every person who shall offend or disobey any such order, shall, for every such offence, be subject to the fine of five hundred pounds sterling, to be recovered in any court of record in this State, the one-half to the use of the State, and the other to such person as shall sue for the same.

Penalty for go-  
ing on board  
said vessels.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons shall go on board, or alongside of, any vessel, after ordered to perform quarantine, without leave from the Governor or Commander-in-chief, and before such quarantine be ended, every such person so offending shall be obliged to remain on board such vessel, and perform such quarantine as the Governor or Commander-in-chief shall think proper, and be liable to a fine of five hundred pounds, to be recovered for the use of this State, in any court of record within the same.

Pilots to be  
paid a guinea  
a day.

VI. *And be it further enacted* by the authority aforesaid, That when any pilot or pilots shall go on board any vessel that shall be obliged to perform quarantine by virtue of this Act, the master or commander of such vessel shall be obliged to pay unto such, all and every pilot or pilots, his executors or administrators, the sum of one guinea for each day such pilot shall perform quarantine on board any such vessel, in recompense for the loss of time to such pilot or pilots: Provided, always, that if it be made appear by the oath of two credible witnesses, that any such pilot or pilots was or were warned by the commander of the vessel so liable to perform quarantine, before any pilot or pilots entered on board any such vessel, that the plague, or any such distemper for which such vessel may be liable to perform quarantine, is on board such vessel, or that such pilot or pilots omitted to inquire concerning the health of such vessel or her crew, that in such case any such pilot or pilots shall not be entitled to receive any recompense for any quarantine he or they may be obliged to perform on board any such vessel.

Proviso.

Vessels from  
the Mediterra-  
nean to perform  
quarantine.

VII. *And be it further enacted* by the authority aforesaid, That no vessel whatever, coming into this State from any part of the Mediterranean sea, or the Levant, or any other place where the plague is frequent or apt to prevail, shall be suffered to pass the places appointed, or to be appointed,

for examination of vessels coming into this State, into any port within this State, where the captain or commanding officer of any such vessel does not produce on oath, well authenticated, to such person or persons appointed to examine such vessel, (and from the proper persons empowered to give the same, from the port where such vessel last came,) a proper bill of health, setting forth the number of persons on board such vessel, and the state and condition of health they were in at the time of leaving such port; but that every such vessel and her crew so coming from the Mediterranean, or any part of the Levant, or such place where the plague is frequent, or apt to prevail as aforesaid, shall be ordered by the Governor or Commander-in-chief of this State for the time being, either to depart this State, or perform such quarantine as they shall deem and judge most proper and consistent with the health and safety of the inhabitants of this State; that no vessel coming from any of the places aforesaid, shall be suffered to pass the places appointed for examination as aforesaid, until a particular report be made by the person appointed to examine any such vessel, to the Governor or Commander-in-chief.

A. D. 1784.

VIII. *And be it further enacted* by the authority aforesaid, That the Governor and Privy Council are hereby empowered and required to cause a pest-house and proper warehouses to be erected on Sullivan's island, and on some island adjacent to each trading port in this State, for the purposes mentioned in this Act, and to erect a small fort in each harbor of this State, and appoint proper persons to command the same, for stopping and examining of vessels coming into any such port as aforesaid, and to draw on the treasury for the expense of the same: Provided, nevertheless, that any person appointed to the command of Fort Johnson, by the Legislature of this State, shall hold such appointment according to the tenor thereof, any thing in this Act to the contrary notwithstanding.

Pest-house and  
forts to  
be erected.

IX. *And be it further enacted* by the authority aforesaid, That every vessel coming into this State with or without a bill of health, from any part of the Levant or the Mediterranean, or any place where the plague is frequent, shall be obliged to perform a quarantine of at least forty days; and in all cases where any vessel is obliged to perform quarantine by this Act, and the Governor or Commander-in-chief shall deem it necessary to cause the cargo of such vessel to be landed to be aired, (as may be sometimes necessary in cargoes of cottons or woollens, brought from the Mediterranean or Levant, or places which carry on a trade thereto,) that every part and parcel of such cargo shall be landed in the warehouse erected, or to be erected, for such port where such vessel shall arrive, and severally taken to pieces and aired by the crew of such vessel, under the inspection of the person appointed to keep the pest-house for such port, and shall not be suffered to be put on board such vessel again, and brought and landed in any other part of this State, for such time as the Governor or Commander-in-chief shall judge proper.

Vessels from  
the Levant to  
perform 40 days  
quarantine, and  
their cargoes  
landed if ne-  
cessary.

X. *And be it further enacted* by the authority aforesaid, That every commander of a vessel coming into this State, who shall give a false bill of health, and every doctor examining by order of the Governor or Commander-in-chief as aforesaid any such vessel who shall wilfully give a false certificate of the health of such vessel or her crew, shall forfeit and pay the sum of one thousand pounds sterling, one-half to the use of this State, and the other half to the use of the person informing or suing for the same; and that no person incurring a forfeiture under this Act, or sued for the same, shall be allowed any essoign, imparlance, or wager, or protection of law; and that any person who shall be sued for any thing done, or to be

Captains and  
doctors giving  
a false bill of  
health, shall  
forfeit £1000.

A.D. 1784. done, under the authority of this law, may plead the general issue, and give this law and the special matter in evidence.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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No. 1220. A N A C T to establish a Ferry over Savannah river, opposite Augusta.  
(Passed March 26, 1784. See last volume.)

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No. 1221. A N A C T FOR THE ENCOURAGEMENT OF ARTS AND SCIENCES.

Proprietors and authors of books to have the sole right of printing for 14 years.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State aforesaid, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January, one thousand seven hundred and eighty-four, the author of any book or books already printed, who hath not transferred to any other the copy or copies of such book or books, share or shares thereof, or the bookseller or booksellers, printer or printers, or other person or persons who hath or have purchased or acquired the copy or copies of any book or books, in order to print or reprint the same, shall have the sole right and liberty of printing such book and books, for the term of fourteen years, to commence from the said first day of January, and no longer; and that the author of any book or books already composed, and not printed and published, or that shall hereafter be composed, and his assignee or assigns, shall have the sole liberty of printing and reprinting such book and books, for the said term of fourteen years, to commence from the day of the first publishing the same, and no longer; and that if any other bookseller, printer, or other person whatsoever, from and after the first day of January, one thousand seven hundred and eighty-four, within the times granted and limited by this Act as aforesaid, shall print, reprint, or import, or cause to be printed, reprinted, or imported, any such book or books, without the consent of the proprietor or proprietors thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses, or knowing the same to be so printed or reprinted without the consent of the proprietors, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such book or books, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit such book or books, and all and every sheet or sheets being part of such book or books, to the proprietor or proprietors of the copy thereof, who shall forthwith damask and make waste paper of them; and further, that every such offender or offenders shall forfeit one shilling for every sheet which shall be found in his, her, or their custody, either printed or printing, published or exposed to sale, contrary to the true intent and meaning of this Act, the

Penalty for printing books without a license from the author.

one moiety thereof to the State, and the other moiety thereof to any person or persons that shall sue for the same, to be recovered in any court of record of the said State, by action of debt, bill, plaint, or information, in which no wager of law, essoin, privilege, or protection, or more than one imparlance, shall be allowed.

A.D. 1784.

II. And whereas, many persons may, through ignorance, offend against this Act, unless some provision be made whereby the property in every such book as is intended by this Act to be secured to the proprietor or proprietors thereof, may be ascertained, as likewise the consent of such proprietor or proprietors, for the printing or reprinting of such book or books, may from time to time be known: *Be it therefore further enacted*, by the authority aforesaid, that nothing in this Act contained shall be construed to extend to subject any bookseller, printer, or other person whatsoever, to the forfeitures or penalties therein mentioned, for or by reason of the printing or reprinting of any book or books, without such consent as aforesaid, unless the title to the copy of such book or books hereafter published, shall, before such publication, be entered in the register book, to be provided for that purpose by the secretary of the State; which register book shall at all times be kept at the secretary's office; and unless such consent of the proprietor or proprietors be in like manner entered as aforesaid; for every of which several entries, four shillings and eight pence sterling shall be paid, and no more; which said register book may at all office hours be resorted to and inspected by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the secretary shall, when and as often as thereunto required, give a certificate under his hand, of such entry or entries, and for every such certificate may take a fee not exceeding two shillings and four pence: *Provided*, that nothing in this Act contained do extend, or shall be construed to extend, to prohibit the importation, vending, or selling of any books in Greek, Latin, or any other foreign language, printed beyond the seas; any thing in this Act contained, to the contrary notwithstanding.

Titles of books  
to be registered  
in the secre-  
tary of the  
State's office.

III. *Be it further enacted* by the authority aforesaid, that whenever any such author or proprietor of such book or pamphlet, shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable and beyond what may be adjudged a sufficient compensation for his labor, time, expenses and risk of sale, the judges of the court of common pleas in this State, on complaint made thereof to them in writing, are hereby authorized, empowered, and directed to summon such author or proprietor to appear before the next court of common pleas, to be holden in the district where such author or proprietor dwells, if a resident in this State, if not, in the district where such complainant resides, and the said court are hereby authorized and required to inquire into the justice of the said complaint; and if the same be found true, to take sufficient recognizance and security of such author or proprietor, conditioned that he shall within such reasonable time as the said court shall direct, publish and offer for sale in this State a sufficient number of copies of such book or pamphlet, at such reasonable price as the said court shall, on due consideration, affix; and if such author or proprietor shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and empowered to give to such complainant a full and ample license to reprint and publish such book or pamphlet, in such numbers, and for such term, as said court shall judge just and reasonable: *Provided*, such complainant shall give sufficient security before said court, to afford such reprinted edition at such reasonable price as the said court shall thereto affix.

*Provided.*

Books not to be  
sold at unrea-  
sonable prices.

*Provided.*

A. D. 1784.

Inventors of  
machines to  
have a like  
privilege

IV. *And be it further enacted* by the authority aforesaid, That the inventors of useful machines shall have a like exclusive privilege of making or vending their machines for the like term of fourteen years, under the same privileges and restrictions hereby granted to and imposed on the authors of books.

Persons may  
plead the gene-  
ral issue.

V. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing or causing to be done any thing in pursuance of this Act, the defendant in such case may plead the general issue, and give the special matter in evidence, and if upon such action a verdict be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath: Provided, nevertheless, that all actions, suits, bills, indictments, or informations, for any offence that shall be committed against this Act, shall be brought, sued, and commenced within three months next after such offence committed, or else the same shall be void and of none effect: Provided always, that after the expiration of the said term of fourteen years, the sole right of printing or disposing of copies shall return to the authors thereof, if they are then living, for another term of fourteen years.

Proviso.

Proviso.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1222. *AN ACT FOR ALLOWING A FURTHER TIME TO RENDER IN A STATE AND PROOFS OF ANY DEMANDS AGAINST THE CONFISCATED ESTATES.*

Preamble.

WHEREAS, the time limited by an Act passed the sixteenth of March, one thousand seven hundred and eighty-three, for rendering in claims and demands against the confiscated estates, and producing proofs thereof, is expired, and it appearing that some creditors may be precluded from obtaining satisfaction for their demands against the said estates, or some of them:

Time for ren-  
dering in proof  
of demands  
against confis-  
cated estates, ex-  
tended 12  
months further.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the time for rendering in a state and proofs of any demands against the confiscated estates, to the auditor and accountant general, shall be, and is hereby, extended until twelve months from the passing of this Act; and no longer.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

**AN ACT TO APPOINT COMMISSIONERS OF PILOTAGE FOR THE PORT OF No. 1223.**  
**BEAUFORT, PORT ROYAL, AND TO ENABLE THEM TO IMPROVE THE NAVI-**  
**GATION OF THE SAME.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the commissioners hereinafter named shall be, and they are hereby, empowered to engage proper persons to serve as pilots for the bar and harbour of Beaufort, Port Royal, and to purchase or build a proper boat or boats for the use of the said pilots, in such manner as to the said commissioners shall appear most conducive to the safety of the navigation thereof; and the pilots so engaged shall be subject to such rules as shall be made for their conduct by the said commissioners, and shall for every neglect of duty, be liable to be discharged from the said employment, and also be subject to such forfeiture, not exceeding the salaries to be allowed them, as to the said commissioners, or a majority of them, shall be judged proper, over and above any other damages that may be legally demanded from them.

Commissioners  
to employ  
pilots and build  
pilot boats.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be, and they are hereby, empowered to receive from the commissioners of the treasury, out of the duties and imposts of tonnage, the annual sum of one hundred pounds, by quarterly payments, to be applied to the support of the said pilots, in addition to the rates of pilotage as fixed by the corporation of the city of Charleston, which they shall be entitled to receive from the master or owner of each vessel arriving at the said port, (coasting vessels belonging to this State excepted,) and also the specific sum of two hundred pounds, within three months from the passing of this Act, for purchasing or building a proper boat or boats as aforesaid, which said sums the commissioners of the treasury aforesaid are hereby required to pay.

Salary of pilots  
and rates of  
pilotage.

III. *And be it further enacted* by the authority aforesaid, That an additional tonnage or duty of three pence per ton, according to the measurement in this State, shall be laid on every vessel which shall make an entry in the custom house at the said port, from any place without the limits of this State; which additional impost or tonnage shall be paid into the hands of the collector of the said port, who is hereby authorized and required to demand and receive the same from every person making such entry; and which said collector is hereby required and directed to pay to the commissioners of the treasury, every six months, the full amount of the said additional impost or tonnage which he shall receive.

Additional ton-  
nage laid on  
vessels.

IV. *And be it further enacted* by the authority aforesaid, That John Joyner, John Jenkins, John B. Barnwell, William Norton, Nathaniel Barnwell, John Mack Verdier, and Daniel John Greene, shall be, and they are hereby appointed, commissioners for putting this Act in execution; and in case of the death or removal of any one or more of the said commissioners, the remainder of them shall have power to appoint an equal number of other proper persons to serve as commissioners in the room of such as shall be dead or removed.

Names of com-  
missioners, &c.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

**No. 1224.** *AN ACT FOR REVIVING AND AMENDING AN ACT ENTITLED "An Act to prevent Stealing of Horses and Neat Cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully mark, brand, or kill the same," PASSED APRIL 12, 1768.*

Penalty on  
horse stealing.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every and any person or persons who shall be indicted and found guilty of stealing any horse, mare, gelding, colt, filly, mule or ass, shall be adjudged and deemed guilty of felony, and shall suffer death, without benefit of clergy.

Former Act  
revived.

II. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully mark, brand, or kill the same," passed the twelfth day of April, one thousand seven hundred and sixty-eight, excepting the first clause of the said Act, is hereby revived.

Penalty for  
marking or  
stealing mules,  
sheep, &c.

III. *And be it further enacted* by the authority aforesaid, That any person who shall be lawfully convicted of marking, branding or disfiguring of any mule, ass, sheep, goat or hog, or stealing the sheep, goat or hog of any person or persons, shall be subject to a fine of five pounds sterling for every mule, ass, sheep, goat or hog so marked or disfigured, and every sheep, goat or hog so stolen; and in case any such offender shall not be able to pay such fine, he, she or they shall, for every such offence, be subject to be imprisoned, and receive such corporal punishment, not extending to life or limb, as to the court where the offender is convicted shall appear most proper.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**No. 1225.** *AN ACT TO ALTER AND AMEND THE THIRTY-SIXTH CLAUSE OF AN ACT OF THIS STATE COMMONLY CALLED THE JURY LAW, AND FOR ALTERING THE TIME OF HOLDING THE COURTS OF SESSIONS AND COMMON PLEAS.*

Special court  
of common  
pleas limited in  
its jurisdiction.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly now met, and by the authority of the same, That from and after the passing of this Act, the special court of common pleas for hearing, trying and determining causes wherein transient persons shall or may be concerned, shall be confined and limited in its jurisdiction and authority to such causes, transactions, debts, dues and demands only, as shall have arisen, accrued, or shall be done or become due, on the then present voyage or present residence of such transient person to or in this State; and that no indorsee of any bill of exchange or note of hand, and

no obligee of any bond, bill or obligation, nor any attorney, executor, administrator or assignee, nor any person whosoever, other than the transient person himself, who was the original creditor, shall be admitted or entitled to sue or implead in the said court; any thing in the before mentioned Act to the contrary hereof in any wise notwithstanding.

A. D. 1784.

II. And whereas, great inconvenience hath arisen to the good citizens of Charleston, from the present mode of holding the said special court, on the occasional application of any individual transient person; *Be it enacted* by the authority aforesaid, That the said special court shall, after the passing of this Act, be held on the first Monday of every month throughout the year, except the months of February, May, August and October, in which last mentioned months the causes of such transient persons as aforesaid shall be tried and determined in the ordinary court of common pleas, as heretofore hath been used in the special court.

Times for holding said court.

III. And whereas, the holding the ordinary court of common pleas for the district of Charleston antecedently to the court of sessions, in the months of February and October, is found to prevent the dispatch of public business in the said courts; *Be it enacted* by the authority aforesaid, That the court of common pleas for the said district, instead of being held and opened on the second Tuesdays in February and October, as heretofore held and used, shall, after the month of June next ensuing, be held on the third Tuesdays in February and October; and that the court of general sessions, instead of being held subsequent to the said court of common pleas, as heretofore, shall commence and be held after the aforesaid month of June, on the second Tuesdays in February and October, and not on the third Tuesdays, as heretofore; any former law to the contrary hereof in any wise notwithstanding.

Times for holding other courts altered.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ACT to prevent the damming up Broad, Saludy, Pacolate, Tyger and Enoree Rivers and Stevens's Creek, or otherwise obstructing the fish from passing up the said rivers; and to oblige such persons who have already dammed or otherwise obstructed the passage of fish in said rivers, to open the said dams or obstructions, so as fish may pass. No. 1226.

(Passed March 26, 1784. See last volume.)

AN ACT for incorporating divers Religious Societies, therein named. No. 1227.

(Passed March 26, 1784. See last volume.)

A. D. 1784.

No. 1228. AN ACT to explain and amend an Act entitled "An Act to incorporate Charleston," and to enlarge the powers of the City Council.

(Passed March 26, 1784. See last volume.)

No. 1229. AN ACT FOR RESTORING TO CERTAIN PERSONS, THEREIN MENTIONED, THEIR ESTATES, BOTH REAL AND PERSONAL, AND FOR PERMITTING THE SAID PERSONS TO RETURN TO THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by an Act entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned," the estates of such persons were confiscated and forfeited to the use of this State; and whereas, the United States in Congress assembled have earnestly recommended to the several States to reconsider and revise their laws regarding confiscation, so as to render the said laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail;

Estates restored to list No. 1.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met and sitting, and by the authority of the same, That all and every the estate and estates, both real and personal, of the several persons whose names are mentioned in the list number one, hereunto annexed, and which estates have not been sold by the commissioners of forfeited estates, is and are, and shall be, taken from and divested out of the commissioners appointed by the said Act for disposing of the said estates, and from their heirs; and every such estate is hereby restored to and revested in the several persons respectively mentioned in the said list number one, and to the heirs of each and every of them, in the same manner, and for the same use and behoof, as each and every of the said persons were seized or possessed of the same before the passing of the said Act.

Banishment repealed.

II. *And be it further enacted* by the authority aforesaid, That all and every of the said person and persons mentioned in the lists number one, two and three, be allowed and permitted to return to and reside in this State; and every part, clause, matter and thing, in the said Act contained, respecting the banishment of the said persons, and the disposal of their estates for the use of this State, except such part thereof as have been sold by the commissioners of forfeited estates, be, and the same is hereby, repealed.

Assessment on restored estates.

III. *Provided always, and be it further enacted* by the authority aforesaid, That the persons named in the lists number one and three, their attorneys or agents, where their estates have not been sold, shall make a just and true return to the said commissioners, on oath or affirmation, of all their estates, real and personal, within four months next after the passing this Act, and that the said commissioners shall cause an assessment of twelve per centum to be rated on the just and real value of such estates; which assessment shall be paid by the said persons to the said commissioners, in specie, on or before the first day of March, one thousand seven hundred and eighty-five, and on their failing so to do, the said

commissioners shall cause such assessment to be levied and paid into the treasury for the use of this State; and that the said assessment shall be rated and levied in the mode prescribed by the Amercement Act, with respect to the amercement thereby imposed; and where their estates have been sold, twelve per cent. shall be deducted from the amount of sales thereof; and that the commissioners of confiscated estates shall be allowed a commission of two pounds per centum.

A.D. 1784.

IV. *And be it further enacted* by the authority aforesaid, That all and every estate and estates, both real and personal, of the several persons whose names are mentioned in the list number two, hereunto annexed, where the same is not yet sold, shall be taken from and divested out of the said commissioners and their heirs as aforesaid, and every such estate is hereby restored to and revested in the several persons respectively mentioned in the said list number two, and to the heirs of each and every of them, in as full and ample a manner as hath been extended to the persons and their heirs comprehended in the list number one; and that all and every person and persons mentioned in said list number two, be allowed and permitted to return to and reside in this State; and that they, or any of them, shall not be liable or subject to any amercement whatsoever; and every part, clause, matter and thing in the said Act contained respecting the banishment of the said persons and the disposal of their estates, where any such estate hath not and is not already sold by the commissioners aforesaid, for the use of this State, be, and the same is hereby, repealed.

Estates re-  
stored to list  
No. 2.

V. *And be it further enacted* by the authority aforesaid, That in all and every case wherein the estate of any of the said persons hath been sold by the said commissioners on a credit of five years, and the purchaser shall be unwilling to give up the purchase to such original proprietor, then it shall and may be lawful for the commissioners of the treasury, or the commissioners of forfeited estates, and they are hereby authorized and required, to pay, on demand, to every person respectively in the said lists, number one, two and three, comprehended, all such indents and specie as they the said treasurers or commissioners have or may receive from the said purchasers; and in all and every case where such purchaser shall agree to give up his purchase to any original proprietor in the said three lists comprehended, which proprietor shall be obliged to accept the said relinquishment, then, in that case, the commissioners of the treasury and the commissioners of forfeited estates, as the case may be, are hereby authorized and required to give up and restore to every such purchaser his bond and other security given for the purchase: Provided always, that all and every person in the said lists, number one, two and three, comprehended, shall be liable and subject to pay all commissions and charges which may be due to the commissioners of forfeited estates, or others under their authority. And in any instance where the negroes or other property of any person hereby subject or liable to amercement, hath been sold or taken, or monies have been received by virtue of any law or public authority of this State, the price for which such negroes were sold, and the value of such other property and money received as aforesaid, shall be allowed in discount of their amercements respectively.

Persons whose  
estates have  
been sold, to be  
indemnified.

Proviso.

VI. *And be it further enacted* by the authority aforesaid, That the several persons whose names are mentioned on the list number three, and all such on the list number one, who held military commissions at any time during the war, be disqualified from being elected Governor, Lieutenant Governor, member of the Privy Council, or of either branch of the Legis-

Disqualifica-  
tion.

A. D. 1784.

Penalties on  
certain persons  
repealed.Further ex-  
emptions.

lature, or of holding any office or place of trust within or under the authority of this State, for and during the term of seven years.

VII. And whereas, several persons have applied to the Legislature to be relieved from the penalties of an Act entitled "An Act for amercing certain persons therein mentioned," whose petitions were referred to a committee of each house of the Legislature; *Be it therefore enacted* by the authority aforesaid, That as much of the said Act as respects the several persons favorably reported on in either house, shall be, and the same is hereby, repealed; and that the operation of the said Act shall be suspended as to the remainder of the said persons therein mentioned, until the end of the next meeting and sitting of the Legislature.

VIII. *And be it further enacted* by the authority aforesaid, That Nathaniel Russell, William Roach, James Wright, Peter Prow and Andrew Heigler, be, and they are hereby, exempted from all the pains and penalties and forfeitures of an ordinance of the General Assembly, passed the seventeenth day of March, one thousand seven hundred and eighty-three, entitled "An Ordinance for the disposing of the estates of certain persons, subjects and adherents of the British government, and for other purposes therein mentioned."

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

(Lists of names omitted)

No. 1230. AN ACT TO AMEND AN ACT ENTITLED "*An Act to oblige all Public Officers of this State who have been entrusted with public monies, public stores of any kind, or other property, whose accounts are yet unsettled, to have their accounts made up.*"

Further time  
allowed public  
officers to make  
up their  
accounts.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State aforesaid, now met and sitting in General Assembly, and by the authority of the same, That the time limited in the Act entitled "An Act to oblige all public officers of this State who have been entrusted with public monies, public stores of any kind, or other property, whose accounts are yet unsettled, to have their accounts made up," be extended until the end of the next meeting of the General Assembly, and no longer.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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AN ACT for establishing a Road from Slann's, Dorchester, or Bacon's Bridge, to Wort's Ferry, and from thence to divers other places, until it shall intersect the road leading from Hit's Ford, the nearest and best way to John Carter's new road leading to the White Ponds. No. 1231.

(Passed March 26, 1784. *See last volume.*)

AN ACT for establishing the Public Ferries hereinafter mentioned. No. 1232.

(Passed March 26, 1784. *See last volume.*)

AN ACT for the regulation of the Militia of this State. No. 1233.

(Passed March 26, 1784. *See last volume.*)

AN ACT FOR RAISING AND PAYING INTO THE PUBLIC TREASURY OF THIS STATE, THE TAX THEREIN MENTIONED, FOR THE USE AND SERVICE THEREOF. No. 1234.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the honorable the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of one per centum ad valorem, shall be, and is hereby, imposed on all lands granted within this State, in the manner and under the several regulations hereinafter set forth and expressed, that is to say, No. 1, all tide swamp, not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds per acre; all tide swamp of the second quality, four pounds per acre; of third quality, two pounds per acre; all pine barren lands adjoining such swamp, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality of swamp, cultivated and uncultivated, at an average of two pounds per acre; third quality swamp, cultivated and uncultivated, at an average of one pound per acre; pine barren lands adjoining or contiguous thereto, salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre; No. 2, high river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill,

One per cent.  
ad valorem  
imposed on all  
lands, &c.

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on Savannah river, the fork of Broad and Saludy river, on the Congarees, Graves's Ford, on the Wateree, and the boundary line on Pedee, the first quality, at three pounds per acre; second quality, at two pounds per acre; third quality, at one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, at five shillings per acre; No. 3, all high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saludy river, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre; No. 4, all high lands without the limits of St. Philip's and St. Michael's parishes, on John's island and James island, and on the main within twenty miles of Charleston, one pound per acre; No. 5, all lands on the Sea islands, or lying on or contiguous to the sea shore, usually cultivated or capable of cultivation in corn or indigo, and not within the limits prescribed in class No. 4, one pound per acre; No. 6, all oak and hickory high lands lying below Snow Hill, the fork of Broad and Saludy rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, No. 4 and 5, fifteen shillings per acre; No. 7, all pine barren lands, not included in classes No. 1, 4, and 5, to be assessed according to its relative value in the judgment of the assessors; No. 8, all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saludy rivers, and Graves's Ford, the first quality eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre; No. 9, all oak and hickory high lands above the old Indian boundary, the first quality six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre; that all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country; that the line dividing the parish of St. Philip, Charleston, from the parishes of St. James, Goose Creek, and St. Andrew, be, by a line from Accabee river, on the east side of the tract of land situate on the said river, belonging to Roger Smith, Esq. running a north course to the northeast corner of the said tract of land, then from the said corner running in a direct course to the southwest corner of the tract of land situate on Cooper river, commonly called the Retreat, now belonging to Mr. Samuel Prioleau, and from the said last mentioned corner, on the line of the said tract, running a northeast course down to Cooper river.

Rate of  
taxation.

II. *And be it further enacted* by the authority aforesaid, That the sum of nine shillings and four pence sterling be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of one per cent. on every hundred pounds value of every such lot, wharf, or other lands, and on all buildings within the limits of any town, village, or borough in this State; and the sum of nine shillings and four pence upon each wheel of every carriage, except wagons, carts, and drays; and the sum of nine shillings and four pence upon all free negroes, mulattoes, and mustizques, from ten to sixty years of age, who pay no other part of the taxes imposed by this Act; and the sum of one per cent. upon every hundred pounds upon every person's stock in trade, of persons in trade, shopkeepers and others; and the like sum of one per centum on the profits of faculties and professions, (the clergy, schoolmasters, and schoolmistresses excepted,) and factorage employments throughout this State, to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information.

Persons  
exempted.

III. *And be it further enacted* by the authority aforesaid, That the treasurers of this State shall be, and they are hereby, authorized and empowered to receive, by way of discount, as far as one year's interest, due on

indents, in discharge of any of the taxes hereby imposed; and that this may be done with safety to the public, and convenience to individuals, the commissioners of the treasury are hereby required and directed, immediately after the passing of this Act, to pay to the holders of indents interest for the year one thousand seven hundred and eighty-four, in special indents of the following words: "State of South Carolina: This indent of — will be received in payment of taxes for the year 1784;" which special indents are to be printed under the direction of Richard Lushington, John Baddeley, Esqs. and Messrs. Edward Lightwood and John Edwards, junior, and with such devices as they, or any two of them, shall direct, and be countersigned by one or more of the commissioners of the treasury.

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Treasury indents to be received in payment of taxes, and holders to be paid interest in special indents.

IV. *And be it further enacted* by the authority aforesaid, That these special indents shall be issued from the treasury for no other purpose than paying interest to grow due on indents for the year one thousand seven hundred and eighty-four, and no other occasion than on the application of the holders of indents, their agents or attornies; on the receipt of which special indents a receipt for a year's interest shall be endorsed on the old indents respectively.

Indents to be issued only for this special purpose.

V. *And be it further enacted* by the authority aforesaid, That these special indents shall be received by the collectors and treasurers, in payment of this year's taxes; and that after they are once paid into the treasury they shall never be reissued; and if they shall not be paid into the treasury on or before the first day of April, one thousand seven hundred and eighty-five, the treasurers shall exchange such of them as shall be presented to them for gold or silver, out of any moneys received into the treasury in payment of taxes, and give public notice to the holders of them, that if they are not presented for exchange within six months after the first day of April, one thousand seven hundred and eighty-five, they shall not be redeemable after that period.

Indents paid into the treasury not to be re-issued.

VI. *And be it further enacted* by the authority aforesaid, That every assessor and collector of the several taxes imposed by this Act, shall, before he enters on the execution of his said office, before the Governor or some one of the judges of this State, or some one justice of the peace, who shall be of the quorum, take the following oath, to wit: "I, A B, do solemnly promise and swear, that I will, to the best of my knowledge, skill, and judgment, ascertain the several qualities of the land lying and being within the —, wherein I am appointed assessor, and that I will not, for any fee or reward, favor, partiality, self-interest, malice, or hatred, in favor or against any person or persons whatsoever, assign any other quality to such lands than in truth and good conscience they shall appear to me to deserve; and that I will impartially assess all other property and professions by this Act directed, to the best of my judgment, according to the true intent and meaning thereof; and that I will pay into the treasury all the gold and silver that shall be paid into my hands on account of the taxes hereby imposed. So help me God." And if any assessor shall presume to execute the said office without having taken the said oath, such assessor shall forfeit and pay the sum of five hundred pounds sterling, to be recovered by any person who shall inform and sue for the same by action of debt in the court of common pleas.

Oath of assessors and collectors.

VII. *And be it also enacted* by the authority aforesaid, That all persons whosever, living out of the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands, slaves, carriages, (wagons, carts, and drays excepted—lands whereon any churches or other buildings for divine worship, or free schools, are erected and built, and all slaves appertenant to, or going with, such churches or lands, and all moneys appropri-

Taxes on real estate, &c. when to be paid.

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ated for charitable uses always excepted,) either in their own right, or in the right of any other person, or are liable to pay any other tax by virtue of this Act, shall, on or before the second day of August next, render a particular account thereof in writing, upon oath or affirmation, and in what parish the said lands and slaves are, to the best of his or her knowledge, to the inquirers and collectors for the several parishes and places respectively, where the property, real or personal, doth lie, at such time and place as the said inquirers and collectors, or any of them, shall direct and appoint for the doing thereof, so that the same be done on or before the second day of August, as aforesaid; excepting where the lands lie at a great distance from the owner, or in parishes or districts unknown to the owner, in which cases the return may be made and the taxes paid to the assessors or collectors where the owner or owners of the land lives for the greatest part of the year: Provided, always, that where it can be done, those returns be transmitted by the assessors and collectors who receive the same, to the assessors and collectors where the lands lie, and that the valuation be always made by the assessors and collectors in the parish or district where the lands lie, whether such return shall be made to them or not; and provided further, that the person or persons taking the benefit of either these exceptions, make oath that the return, he, she, or they give in, is a just and true return of all the lands he, she, or they own in this State; and provided further, that he, she, or they transmit to the collectors where the lands lie, certificates of his, her, or their having paid the tax imposed on his, her, or their lands respectively, to the collectors of the parish or district where he, she, or they live, which oath or affirmation shall be in the words following: "I, A B, do swear or affirm, (as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands, and of the number of all slaves and riding carriages, which I am possessed of, interested in, or entitled unto, either in my own right, or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent, or trustee, or in any other manner whatever, according to the best of my knowledge and belief, and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby duly authorized, enjoined, and required to administer.

Proviso.

Oath.

Payment to be enforced.

VIII. And be it also enacted by the authority aforesaid, That all and every person and persons whatsoever, shall be obliged to make return of his or her lands and slaves in the country, to the inquirers and collectors for the parish or district respectively where such lands and slaves shall lie, and pay tax thereon to the said inquirers and collectors; and the inquirers and collectors of all and every the parishes and districts respectively, shall be, and they are hereby, authorized, empowered, and required to issue executions against all and every person or persons in their respective districts who have not paid their just proportion of the preceding tax.

Attornies and trustees of absent persons, liable for the taxes assessed on the property of such absentees.

IX. And whereas, there are divers tracts of lands and slaves in this State, held, owned, or claimed by persons not residents here, who pay no tax or other charges towards the support of the Government of this State: Be it therefore enacted by the authority aforesaid, that all attorneys and trustees of or for any person or persons living, without the limits of this State, shall make due and true returns to the respective inquirers and collectors for the parish or district where such attorney or trustee lives or resides as aforesaid, of all lands and slaves belonging to such absent persons, for whom they are attorneys or trustees, and shall send a copy of such return, certified by the said assessors and collectors, to the assessors and col

A. D. 1764.

lectors for the parishes and districts where such lands lie; and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this Act, or which were due by virtue of any former tax Acts, for such lands and slaves, out of his or their own proper estate, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied; unless such attorney shall make oath before the collectors respectively, that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax: *Provido.* Provided, always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing hereinbefore contained to the contrary notwithstanding; and for levying whereof the same remedies shall be, and are hereby, given as for levying the tax to become due by virtue of this Act, on the proper estate of such attorney or trustee; and the inquirers and collectors of the several parishes and districts respectively where any lands lie which are held or owned by any person or persons not resident in this State, whether they have attorneys or not, the said assessors and collectors, or a majority of them, shall be, and they are hereby, authorized and empowered, directed and required, to sell and dispose of timber, lightwood, or any other wood thereon standing, growing, or being, to the amount or value of the tax such lands are liable to pay by virtue of this or any other tax Act; or after six months notice given in the Gazette for that purpose, to let to farm all or any parcel of such lands, without impeachment of waste, to any person or persons whosoever, for any term or time not exceeding twenty-one years, till the rents arising thereby shall be sufficient to pay the said tax, and the taxes to be imposed on such lands during the said term, at the election of such inquirers or collectors, or the commissioners of the treasury; unless any person shall render and pay the tax money for such lands before such leases shall be made; and all and every such sale of such timber, lightwood, or other wood, and leases of such lands as aforesaid, shall be, and they are hereby declared, good and valid to all intents and purposes whatsoever; any law, statute, usage, or custom, to the contrary in any wise notwithstanding.

Inquirers and collectors may lease land, sell timber, &c. for taxes unpaid.

X. *And be it also enacted* by the authority aforesaid, That in case any tracts of land shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted in this State, or which have not been returned to any of the enquirers, assessors or collectors appointed for the parish or district where the lands lie, then and in such case, the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands for the payment of the tax herein imposed, according to the quantity and quality thereof, and for all taxes due by virtue of any former tax act, rateably and proportionably according to the quantity of acres, as if the same were in the actual possession of some person or persons living and residing in this State, and forthwith to publish and give notice of such their charge and assessment in the Gazette; and in case the sum or sums of money with which such lands shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within two years next after notice shall be given as aforesaid, that then such lands shall be forfeited to this State, and shall be deemed and taken as vacant land; any law, usage or custom to the

Lands of absent owners, for which taxes are not paid in two years, declared forfeit.

*Provido.*

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contrary thereof in any wise notwithstanding : provided always, that nothing in this Act contained shall extend to prejudice the rights of infants or feme coverts, who shall be entitled to their lands upon claiming the same, within two years after they come of age or become discoverts, upon their paying and discharging all taxes and arrears of taxes that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

Inquirers and  
collectors  
appointed.

XI. *And be it enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers, assessors and collectors for the several parishes and districts hereinafter mentioned, viz : for the parish of Christ Church, Jonathan Dorrill, Isaac Legare, sen. and Clements C. Brown; for the parish of St. James Goose Creek, Stephen Mazyck, jun. John Hume and John Withers; for the parish of St. John, Berkley County, Daniel Ravenel, Alexander Broughton and Samuel Cordes; for the parish of St. George Dorchester, Daniel Stewart, Thomas Waring, jr. and Elisha Hall; for the parish of St. Thomas and St. Dennis, Edward Thomas, Nathan Tart and Thomas Ashby; for the parish of St. Andrew, (James Island excepted,) John Frazer, Francis Guerin and Stephen Baker; for that part of the parish called James Island, Mallory Rivers, John Rivers and Archibald Scott; for the parish of St. John, Colleton county, viz : for John's Island, Charles Freer; for Wadmelaw Island, William Smelie; for Edisto Island, Ephraim Mikell; for the parish of St. Paul's, (that is to say,) for Stono and the east side of Pon-Pon, Joseph Slann, John Simmons and Thomas Farr, jun. and for Beeth Hill and Horse Savannah in the said parish, Isaac McPherson, Edward Perry and Robert Miles; for the parish of St. Bartholomew, John Croskeys, William Baker, John Sanders, James Postell and William Sanders; for the upper district of St. Bartholomew, the north west of Black Creek and the main waters of the Great Swamp across to Pon-Pon river, Alexander McQueen, Jonah Horry and Joseph Stevens; for Combahee and Chehaw, in the said parish, William Webb, William Godfrey and John Bellinger; for the parish of St. James Santee, Jonah Collins, Richard Withers and Charles Gaillard; for the parish of St. Stephen, James Sinkler, Peter Porcher, and John Palmer; for the parish of Prince George Winyaw, Peter Horry, John Skrine, Joseph Grier, John Baxter, James Johnston and James Ford, jr.; for the parish of All Saints, Captain William Allston and Robert Herriot; for the parish of St. David, Col. George Hicks, Col. Thomas Lide, Edward Jones, Richard Brockington, Benj. Jackson, Thomas Ellerby, Robert Lide, John McCall, Elias Dubose, David Perkins and Peter Allston; for the parish of Prince Frederick, John Thomson Green, Samuel James, James Witherspoon, jr.; for the parish of St. Mathew, Colonel William Thompson, William Heatly, Darrill Hart and William Ranson Davis; for the parish of Orange, William Hill, Lewis Golson, Andrew Frederick, George Rennerson; for the parish of St. Helena, Port Royal, George Hipp, William Fripp, jr. and William Joiner; for the parish of St. Peter, Purrysburg, John Fenwick, Thomas Daniel, John Bush, Peter Robert, James Smart, Henry Gindrat and Charles Dupont; for the parish of Prince William, Thomas Hutson, John McPherson and John Lightwood; for the district to the eastward of the Wateree, John McFadd, James Armstrong, Thomas McFadden, Henry Montgomery, Francis Lesene, Samuel Little, John Frierson, Col. John James, Wm. McConnico, Edward Richardson, Samuel Bennet, John Singleton, George Ioor, Adam Fowler Brisbane, David Rogers, Samuel Boykin, James Canty, Henry Foster, John Marshall, John Chesnutt and William Murrell; for the district of Ninety-Six, Patrick Colhoun, Hugh Wardlaw, John Luckie, William Anderson, John Hancock and John Henderson; for the district of

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Saxe-Gotha, William Arthur, Daniel Tateman and John James Haig ; for the district between Broad and Saludy river, in three divisions, viz : the lower district, Thomas Gordon, John Adam Summers, William Wadlington and William Malore ; the Little River district, Joseph Adair, Samuel Warton, Richard Griffin, Robert Gillam and John Rogers ; the upper district, William Benson, William Wood, Henry White, Andrew Bury, Ralph Smith, John Blassingham, William Kennedy, Samuel Otterson, Nathaniel Jefferson, Zachariah Bulloch, Charles Sims and James Gordon ; for the district between Broad and Catawba rivers, Joel Macklemore, Francis Goodwin, Arthur Brown Ross, William Lang, Timothy Reeves, Philip Pearson, Joseph Brown, Samuel Neily, James Perrian, Joseph Tims, Patrick McGriff, Anderson Thomas, Hugh Knox, Robert Goodwin, John Milling, Isaac Love and William Myers ; for the district called the New Acquisition, Col. William Bratton, William Bydil, sen. James Semeril, Alexander Akins, (shoe maker) and Joseph Palmer ; for the district between Savannah and the north fork of Edisto, John Parkinson, Bartlet Brown, Thomas Young, William Holmes, Alexander Newman, John Collins, Absalom Best, Jacob Baxton, James Fair, Joseph Harley, Jacob Swaycord, Joseph Turner, Charles Carter and Stephen Boyd.

XII. *And be it also enacted* by the authority aforesaid, That Peter Bacot, John Edwards, jr. Edward Trescot, Joseph Dill, John Calvert, William Roper and John Beale be, and they are hereby appointed, inquirers, assessors and collectors for the parishes of St. Philip and St. Michael.

Inquirers, &c.  
for St. Philip &  
St. Michael.

XIII. *And be it also enacted* by the authority aforesaid, That all persons whosever living without the limits of the parishes of St. Philip and St. Michael, who are possessed of any lands and slaves in this State, in their own right, or in the right of others, or any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first day of March next ; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt ; and the said inquirers, assessors and collectors for the several parishes respectively within this State, shall close their accounts and shall deliver the same on oath to the commissioners of the treasury for the time being, or either of them, (who is and are hereby empowered and required to administer such oath,) and pay him or them all such monies as shall be by them respectively received, after retaining two per centum for all such monies paid by the country collectors, and one half per centum for all monies paid by the collectors of Charleston into the hands of the commissioners of the treasury in pursuance of this Act, on or before the first Monday in April, in the year of our Lord one thousand seven hundred and eighty-five ; and the inquirers, assessors and collectors for each parish and district, shall make their return of such district respectively to the said treasurers at one and the same time ; and the said inquirers and collectors for each parish or district without the limits of St. Philip and St. Michael, shall give an account in writing upon oath as aforesaid, of their own lands and slaves, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon according to the rates by this Act appointed.

Taxes on real  
estate, &c.  
when to be  
paid.

XIV. *And be it also enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his or her account of lands or slaves, or other taxable property, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so conceal.

Penalty on  
concealment.

XV. *And be it also enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of the lands and slaves

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When deemed  
a defaulter.

or other taxable property, to the inquirers, assessors and collectors aforesaid, respectively, at such time and places as they shall appoint, or agreeable to this Act, or by the second day of August next at farthest, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands and slaves and other taxable property.

Inquirers to  
give previous  
notice of their  
intention to call  
on the inhabit-  
ants to make  
returns.

XVI. *And be it also enacted* by the authority aforesaid, That the inquirers, assessors and collectors of the parishes of St. Philip and St. Michael, or any three or more of them, are hereby ordered and directed, on or before the first Monday in July next, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette, three weeks before they shall go to the said houses, and to enquire into and take an account of all the real estates, and particularly in what parts of the said parishes the lands are situated, and of the slaves and other taxable property of the said inhabitants, which they shall be possessed of, interested in or entitled unto, in their own right or in the right of any other person whatsoever, lying or being in the said parishes.

Persons over-  
rated may  
swear off the  
overplus.

XVII. *And be it also enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is over-rated, or whose attorney or attornies shall have reason to believe he or she is over-rated, for the profits of his or her employment, factorage, faculty or profession, or for his or her stock, houses and lands, by such assessors, shall have ten days public notice given by the assessors or collectors, at the exchange in Charleston, to swear off so much as he, she or they, or his or her, or their attorney or attornies shall think they are over-rated, before the assessors or collectors as aforesaid; and the said assessors and collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

When inquir-  
ers shall make  
their returns.

XVIII. *And be it further enacted* by the authority aforesaid, That any four of the assessors and collectors shall be a quorum, and shall meet at some convenient place in the said city, and there continue to sit until they have finished the calculation of the value of the estates in the said parishes, and within the limits aforesaid; and the said assessors shall finish and complete the said calculation of the value of the estates in the said parishes of St. Philip and St. Michael, on or before the last Monday in September, one thousand seven hundred and eighty-four, and shall cause a duplicate thereof to be posted at the exchange in Charleston, in seven days after the calculation shall be closed; and they shall give previous notice, twice at least, in the Gazette, of the time when such duplicate shall be posted.

Time of paying  
the tax in the  
parishes of St.  
Philip and St.  
Michael.

XIX. *And be it also enacted* by the authority aforesaid, That every person so assessed by the said assessors for the parishes of St. Philip and St. Michael, shall pay into the hands of the said assessors the several sums of money on them respectively assessed, on or before the first day of March, one thousand seven hundred and eighty-five; and the said assessors and collectors shall pay to the commissioners of the treasury all such sum and sums of money as shall be by them respectively collected, retaining their commissions as aforesaid.

Warrants to be  
issued against  
defaulters.

XX. *And be it also enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively, shall, immediately after ten days are fully elapsed, without further delay, levy the same by virtue of a warrant, by them or any of them to be signed and sealed for that purpose; which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same

by distress and sale of the defaulter's goods, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges, or shall not make an oath before the collectors that he has not directly or indirectly conveyed away or removed his said goods and effects, whereon the monies so assessed be levied, to avoid the payment of the said tax, and that he is not able to pay the same; which oath the said collectors are hereby respectively authorized and impowered, if necessary, to administer; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common gaol in the district where such defaulter resides; which warrants shall run in these words, *mutatis mutandis*, viz:

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"Collectors of the general tax for the parish or precinct ———, to ———, constable for the parish or precinct of ———, or to the sheriff ——— district ———, in the State of South Carolina, or to his lawful deputy :

Form of the warrant.

"Whereas, ——— hath been duly assessed by us the subscribers, collectors of the tax for the parish or precinct of ———, the sum of ———, for defraying the charges of the ———, which ——— hath neglected to pay: these are, therefore, in the name of the State, strictly to charge and command you to levy by distress and sale of the goods and chattels of the said ———, the sum of ———, together with the charges thereof; and in case the said ——— shall refuse or neglect to produce goods and chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said ———, and convey ——— to the common goal in the district, commanding you the keeper of the said gaol, to detain the body of the said ——— in your custody, until ——— shall pay the said sum of ———, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals this ——— day of ———, Anno Domini ———." And the sheriff to whom such warrant shall be directed, shall detain such person in the gaol aforesaid without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees in the execution of their office, viz: for serving every execution, one shilling and two pence sterling, and for all sums to be levied as aforesaid, five per cent, and two pence sterling for every mile, to be computed from the dwelling house of such constable to the house or place of residence of such defaulter; and for the constable's returning home, mileage at the same rate, and no more or any other fee whatever; and the assessors or collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter one shilling and sixpence sterling; provided always, that where certificates are produced of unsettled accounts in the hands of the auditor, the person producing the same shall be entitled to a further indulgence of six months for what shall appear to be a year's interest on the account.

Fees of constables, &amp;c.

XXI. *And be it also enacted* by the authority aforesaid, That if any taxable person shall neglect to give in an account as aforesaid of his or her estate, to the said inquirers and collectors, by the time before limited in this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time limited, the said collectors respectively, where such taxable person lives, are hereby empowered and required to issue their warrant, in the same manner as above

Penalty on neglect to make return or pay tax.

A. D. 1784.

directed ; and in case the said assessors and collectors shall not have just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Commissioners of the treasury empowered to issue warrants for arrears of taxes.

XXII. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall have full and ample power in all respects for collecting and getting in arrears of taxes, which are or were due by any former law or Act of Assembly, and the same may be recovered by virtue of a warrant under the hand and seal of the said commissioners for the time being, or any one of them, directed to the sheriff or any constable for the district where such arrears of taxes are to be collected ; which warrant shall run in the same manner as is directed to be done by the assessors and collectors against defaulters.

Taxables dying or departing.

XXIII. *And be it also enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever ; and that in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors, and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same, by the time before limited, prior to all judgments, mortgages and debts, whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executors or administrators : and if any person, between the time of rendering the account of his or her estate to the inquirers or collectors, as aforesaid, and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons will find sureties, to the liking of the collectors and assessors, for the payment thereof at the time appointed.

Fraudulent conveyances.

XXIV. *And be it also enacted* by the authority aforesaid, That all deeds of gift, conveyances, mortgages, sales and assignments, of lands and tenements and goods and chattels, of any person whosoever, made with an intent to avoid being assessed or paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever.

Mortgagee liable to pay tax.

XXV. *And be it also enacted* by the authority aforesaid, That in case any person who has mortgaged any part of his estate, real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the sums assessed on the mortgager ; provided, that such estate shall be in the possession of the said mortgagee.

Penalty on officers for neglect.

XXVI. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds sterling ; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds sterling to this State, for the support of this Government, to be sued for and recovered by the commissioners of the treasury for the time being, in any court of record in this State.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former tax shall neglect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all monies received by him or them, or due to the State, or on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under their hand and seal, to commit such assessor or collector to the common gaol, in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered, upon oath, to be taken before one of the justices of the quorum, a full and a satisfactory account of, and shall have paid all such sums, so as aforesaid by him or them collected, during the time that he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies due this State by virtue of this or any former tax Act, and the reasonable charges of such commitment.

A. D. 1784.

Penalty on collectors for default.

XXVIII. *And be it also enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors, before mentioned, shall happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the Governor or Commander-in-chief for the time being, is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of his parish or district; and the person or persons so appointed shall have the same powers, and be under the same penalties, as the inquirers, assessors and collectors hereby nominated.

Vacancies how to be filled.

XXIX. *And be it also enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any one of them, be and they are empowered and required to grant executions against all former constables and collectors of taxes, and all persons in arrear for taxes; provided the same are not paid into the treasury on or before the first day of June next; and against all assessors and collectors of the present tax, hereby imposed, if the same should not be paid on or before the time is elapsed for paying the same; and he or they is and are hereby directed and required to prosecute all and every person or persons whatsoever, neglecting or refusing to do or perform the several matters required by this Act, for the recovery of the penalties inflicted by the same, for any such refusal or neglect.

Commissioners of the treasury to compel payment of arrears.

XXX. *And be it also enacted* by the authority aforesaid, That if any one of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

Persons may plead the general issue.

XXXI. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied to and for the use and service of this State.

Appropriation.

A. D. 1784.

## ESTIMATE,

*Of the Supplies wanted for the support of Government, for the year 1784.*

## CIVIL LIST.

|                                                                                                                                                                       |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| His Excellency the Governor's salary, thirteen hundred pounds,                                                                                                        | £1300 00 00 |
| Four assistant Judges, two thousand pounds, £500 each,                                                                                                                | 2000 00 00  |
| Attorney General, three hundred pounds,                                                                                                                               | 300 00 00   |
| Five delegates to Congress, three thousand pounds, £600 each,                                                                                                         | 3000 00 00  |
| Clerk of the Privy Council, one hundred and fifty pounds,                                                                                                             | 150 00 00   |
| Secretary to his Excellency the Governor, one hundred and fifty pounds,                                                                                               | 150 00 00   |
| Auditor of public accounts, three hundred and seventy-three pounds six shillings and eight pence; and for his extra services the present year, two hundred pounds,    | 573 06 08   |
| Two Treasurers, five hundred and seventy-one pounds eight shillings and eight pence; and for their services, one hundred pounds sterling, each, for the present year, | 770 07 08   |
| Five assistants to the Auditor, for the present year, and to be paid quarterly, six hundred and fifty pounds,                                                         | 650 00 00   |
| Clerk of the Senate, two hundred and eighty-seven pounds four shillings and eight pence,                                                                              | 287 04 08   |
| Clerk of the House of Representatives, two hundred and eighty-seven pounds four shillings and eight pence,                                                            | 287 04 08   |
| Two messengers, one to each house, at seventy pounds, one hundred and forty pounds,                                                                                   | 140 00 00   |
| Two doorkeepers, ditto, at fifty pounds each, one hundred pounds,                                                                                                     | 100 00 00   |
| Powder Receiver, seventy pounds; Ordnance Store-keeper, seventy pounds,                                                                                               | 140 00 00   |
| Three Judges of the Court of Chancery, fifteen hundred pounds, £500 each,                                                                                             | 1500 00 00  |
| Commander of Fort Johnston, five hundred pounds,                                                                                                                      | 500 00 00   |
| Collector of Charleston, five hundred pounds,                                                                                                                         | 500 00 00   |
| Collector of Georgetown, one hundred and fifty pounds,                                                                                                                | 150 00 00   |
| Collector of Beaufort, one hundred and fifty pounds,                                                                                                                  | 150 00 00   |
| Searcher of Charleston, one hundred and fifty pounds,                                                                                                                 | 150 00 00   |
| Two Waiters of Charleston, two hundred pounds, £100 each,                                                                                                             | 200 00 00   |
| One Waiter of Georgetown, thirty pounds,                                                                                                                              | 30 00 00    |
| One Waiter of Beaufort, thirty pounds,                                                                                                                                | 30 00 00    |

## INCIDENTAL CHARGES.

|                                                                                                                                             |              |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| As a contingent fund, to remain subject to the drafts of the Governor, one thousand pounds,                                                 | 1000 00 00   |
| Expense of the Members of the Senate and House of Representatives, eleven hundred and sixty-six pounds, thirteen shillings and three pence, | 1166 13 03   |
| Printer's bill,                                                                                                                             | 150 00 00    |
| Interest of the public debt of this State, seventy-two thousand eight hundred and ninety-two pounds eight shillings and three pence,        | 72,892 08 03 |
| Of the United States, thirty-five hundred and forty-one pounds nine shillings and four pence,                                               | 3541 09 04   |
| For the transient poor, subject to the order of the City Council of Charleston, eight hundred pounds,                                       | 800 00 00    |
| For a Guard at Fort Johnston, to consist of one serjeant, two corporals, and twelve privates, five hundred pounds,                          | 500 00 00    |
| For State troops, for the security of the State, fifteen hundred pounds,                                                                    | 1500 00 00   |
| For the expense of opening Wall's Cut, and clearing the obstructions in Wateree and Great and Little Pedee Rivers, one thousand pounds,     | 1000 00 00   |
| To the Secretary, for the amount of his account, one hundred and eighty pounds,                                                             | 180 00 00    |

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1784.

**AN ORDINANCE** TO AUTHORIZE AND EMPOWER THE GOVERNOR AND PRIVY COUNCIL FINALLY TO ADJUST AND SETTLE ALL ACCOUNTS WHERE DISPUTES ARISE BETWEEN THE AUDITOR AND INDIVIDUALS, AND FOR DIRECTING THE TREASURERS TO GIVE INDENTS FOR THE ACCOUNTS WHEN SETTLED. No. 1235.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That his Excellency the Governor, with the advice and consent of the Privy Council, be, and they are hereby, authorized and empowered to adjust and finally to settle all such accounts as now are or hereafter may be disputed between the auditor and any citizen or citizens of this State, or other person or persons. Governor and Privy Council to adjust disputed accounts

II. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, authorized and directed to give indents for all accounts settled since the first day of April last, or hereafter to be settled, bearing interest from the said first day of April last. Treasury indents to be given on settling accounts.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE** FOR AMENDING AND EXPLAINING THE CONFISCATION ACT. No. 1236.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any lands have been sold by the commissioners of forfeit estates, by virtue of the powers in them vested by law, and no titles have been given, or shall be applied for by the purchaser or purchasers within two months from the passing of this Ordinance, for the said land, that then the said commissioners aforesaid are hereby authorized and empowered again to expose the said lands for sale, on the condition of payment being made at the expiration of the time for which it was originally sold; and the first purchasers shall be obliged, and are hereby declared liable, to pay commissions and all contingent charges, and the deficiency, if any there should be, between the former and future sales, with interest at the rate of seven per centum yearly, from the time of the former sales, which the said commissioners are authorized and empowered to recover by action of law before any court of record within this State. Forfeited estates that have been sold, and no titles applied for, shall be again put up for sale.

II. *And be it further ordained* by the authority aforesaid, That in case any estate or property late belonging to persons whose estates are confiscated by law, is under mortgage or bound by judgment, or that the said persons are indebted by bond, note, or open account, the said commission- Enough of confiscated estates under mortgage to be sold to satisfy incumbrances.

A. D. 1784.

Confiscated  
property sold,  
and no claim  
made previous  
to sale, no ac-  
tion shall be  
against com-  
missioners.

Commissioners  
to make titles  
to Arthur Bar-  
deleben, &c.

Commissioners  
to receive in-  
dents for bonds.

ers are hereby empowered and directed to sell so much thereof as shall be sufficient for discharging the said incumbrances, and for paying the said bonds, notes, or open accounts, on the same terms as are prescribed in an ordinance entitled "An Ordinance respecting suits for the recovery of debts," except where executions have already issued, and shall sell the remainder of such property on the same terms and conditions as are by law prescribed for the sale of confiscated estates.

III. *And be it further ordained* by the authority aforesaid, That where any property has been sold by virtue of the confiscation law, and no claim preferred for the same previous to such sale, no action shall be commenced against the said commissioners, or any person possessing such property, for the same, without a previous application being made for that purpose, to the Legislature of this State.

IV. *And be it further ordained* by the authority aforesaid, That the commissioners of confiscation be, and they are hereby, authorized and directed to make titles to Arthur De Bardeleben, for the land purchased by him of Robert Williams, and afterwards purchased of the said commissioners, upon condition that the said Arthur De Bardeleben do give bond and a mortgage of the premises for securing the payment of such part of the original purchase money as is still due to the said Robert Williams, and such further sum or sums as the said Arthur De Bardeleben shall recover from the said Robert Williams by attachment or otherwise, on account of the said sale, together with all commissions and incidental expenses attending the sale by the said commissioners.

V. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, authorized and required to receive indents for all bonds, both principal and interest, which are or shall be lodged in their hands on account of purchases made of any confiscated property, except such as has been sold for special purposes; and where the indent tended in payment shall exceed the debt due, they are hereby required to give an indent or indents for the surplus or balance.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

#### No. 1237. AN ORDINANCE RESPECTING SUITS FOR THE RECOVERY OF DEBTS.

Stay given on  
old debts.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That no suit or action shall be commenced, either in equity or at law, for the recovery of any debt or bond, note or account, contracted by a citizen of this or any of the United States previous to the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two, until the first day of January next; after which time it shall and may be lawful to and for any person and all persons, to sue for and recover all interest which shall have accrued since the first day of January, one thousand seven hundred and eighty, on all bonds, notes or other contracts

bearing interest; provided nevertheless, that nothing herein contained shall be construed to extend to prevent any creditor from suing for and recovering all interest accruing upon bonds or notes since the twenty-sixth day of February, one thousand seven hundred and eighty-two. A. D. 1784.

II. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for any person and all persons to whom any debt shall be due as aforesaid, to sue for and recover after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-six, all such other interest as may then be due on such debt and the fourth part of the principal debt which shall be owing to him, her or them; and from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-seven, one other fourth part of the principal debt; with the interest which shall have accrued thereon; and from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-eight, one other fourth part of the principal debt, with the interest which shall have accrued thereon; and from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-nine, the balance which may be then due and owing; provided nevertheless, Time when debts may be sued for and recovered. that if any person who shall be indebted as aforesaid, shall after a notice of ten days refuse to give security to his creditor (which notice shall be proved by such creditor on oath before any justice of the peace,) for the payment of such sum or sums of money as may be due and owing to him, to be approved of by one of the judges of the court of common pleas, if in Charleston district, and by a commissioner for taking special bail, if in any of the circuit court districts, that in such case it shall and may be lawful for the creditor to sue for the said debt and proceed to execution, which execution may be levied, and the property so seized be sold, if the debtor shall refuse to give the security hereby required and pay the costs of suit. Proviso.

III. *And be it further ordained* by the authority aforesaid, That all monies which shall be due on such open accounts as are restrained by this ordinance from being sued, shall bear an interest of seven per cent. per annum from the passing of this Ordinance. Open accounts not sued for to bear interest.

IV. *And be it further ordained* by the authority aforesaid, That all bonds or other securities which have been given since the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two, for debts contracted previous to that day, except bonds or notes which have been taken for interest due since that time, shall be, and the same are hereby declared to be, no otherwise recoverable than other debts for which securities have not been given. Bonds, &c.

V. *And be it further ordained* by the authority aforesaid, That no seizure shall be made of any property which may have been mortgaged previous to the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two; provided, the person whose property has been mortgaged shall pay the principal and interest of the debt for which the said property has been mortgaged, at such periods as are required by this Ordinance; and on failure thereof, the said mortgaged property may be taken and held by the person to whom the same has been so mortgaged, until the payment shall be made as aforesaid. Seizures, &c.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1781.

No. 1238. AN ORDINANCE to amend an Ordinance entitled "An Ordinance for establishing several ferries therein mentioned."

(Passed March 26, 1784. See last volume.)

No. 1239. AN ORDINANCE TO ENCOURAGE SUBJECTS OF FOREIGN STATES TO LEND MONEY AT INTEREST ON REAL ESTATES WITHIN THIS STATE.

Preamble.

WHEREAS, it would tend greatly to the improvement of estates in this country, and to the public benefit, if money could be borrowed at a reasonable rate of interest from the subjects of foreign States; but doubts may arise whether as the law now stands any security in the nature of a mortgage, granted to an alien, or to any person in trust for him, can be made effectual against such estates for recovering the money lent thereon; and whereas, no alien as the law now stands, can bring or prosecute any suit for the recovery of money in any court of law or equity, at a time when the State of which such alien is a subject is at war with the United States; to prevent which doubts and to encourage aliens to lend money upon the security of such estates,

Aliens may  
lend money  
and prosecute  
suits for its  
recovery.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for every person and all persons, being aliens, to lend money at a rate of interest not exceeding seven pounds per centum per annum, upon the security of any freehold or leasehold estate in this State, and to hold the same as an effectual security for the money lent, and to prosecute any suit or suits for the recovery of the same, whether the foreign State of which such alien is a subject be at war with the United States or not.

II. *And be it ordained* by the authority aforesaid, That in case of non-payment of the money lent upon any such security, with the interest due thereon, at the time therein stipulated and agreed upon, it shall and may be lawful to and for all and every such aliens to bring and prosecute, by themselves or their lawful attorneys respectively, any suit or suits at common law for the recovery of their demands on any bond or other collateral security given or entered into, or on any covenant on the part of the borrower contained in any such mortgage, deed or deeds, and also his, her or their bill or bills in the court of chancery, praying a decree of sale of such mortgaged premises for payment of the debt due thereon; in which said suit or suits the plaintiff or plaintiffs shall be entitled to like remedy and remedies for recovery of his debt and costs due, as any citizen of this State now may or can have, except the being entitled to have or obtain directly or indirectly the actual possession of any such mortgaged premises, by any process of execution whatever at the common law, or to foreclose the equity of redemption of such mortgaged premises by any decree or order of the court of equity.

Court of chan-  
cery to direct  
a sale of mort-  
gaged premi-  
ses.

III. *And be it further ordained* by the authority aforesaid, That the court of chancery shall and may direct and order a sale of such mortgaged premises, in the manner as in cases where the mortgager has consented to a sale of the same; any law, usage or practice to the contrary thereof in any wise notwithstanding.

IV. *And be it further ordained* by the authority aforesaid, That this Ordinance shall be deemed, adjudged and taken to be a public Ordinance, and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without being specially pleaded. A. D. 1784.  
This a public Ordinance.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE TO AMEND "AN ORDINANCE FOR REPAIRING OR REBUILDING THE COURT-HOUSES AND GAOLS IN THE SEVERAL DISTRICTS OF THIS STATE."** No. 1240.

WHEREAS, by an Ordinance entitled "An Ordinance for repairing or rebuilding the court-houses and gaols in the several districts of this State," it is, among other things, ordained that the commissioners for building or repairing the same, be authorized and empowered to give certificates for defraying the expense of the said repairs and buildings, in the district for which they shall be respectively appointed; and whereas, such power and authority has been found to be inadequate for accomplishing the purposes intended by the said ordinance:

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of this State, now met and sitting in General Assembly, and by the authority of the same, That his Excellency the Governor, by and with the advice and consent of the honorable the Privy Council, be, and he is hereby, authorized and empowered to draw on the public treasurers of this State, for such sum and sums of money as shall appear to his Excellency and the Privy Council to be necessary for repairing or rebuilding the said court-houses and gaols; and the said public treasurers are hereby directed to pay such draughts out of any moneys lying in the public treasury.

The Governor to draw on the treasury for moneys to rebuild court-houses, &c.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE for establishing a Public Ferry to and from Port Royal Island.** No. 1241.

(Passed March 26, 1784. See last volume.)

A. D. 1784.

No. 1242. AN ORDINANCE TO ALTER AND AMEND AN ORDINANCE PASSED THE TENTH DAY OF MARCH INSTANT, ENTITLED "*An Ordinance for constituting a Board of Naval Officers for the trial of Captain John Joyner, and inquiring into the cause of the loss of the frigate called the South Carolina.*"

Preamble.

WHEREAS, in and by the said Ordinance, it is, among other things, ordained, that Captain Robert Cochran, Captain David Lockwood, Captain Stephen Seymour, Captain William Hall, Captain Jacob Milligan, Captain John Hatter, Captain Simon Tufts, Captain Charles Crowley, and Lieutenant John Mayrant, should be, and they are thereby, appointed commissioners and authorized to sit as a Board of officers or court martial, and to inquire into, hear, and finally determine upon, every matter and thing whatever, respecting the loss of the ship South Carolina, and the conduct of Captain Joyner, who commanded the said ship at the time of her being lost; and whereas, Captain David Lockwood, one of the said commissioners, has refused to sit on the said trial:

The remaining eight commissioners to have the power of the whole.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the remaining eight commissioners, viz. Captain Robert Cochran, Captain Stephen Seymour, Captain William Hall, Captain Jacob Milligan, Captain John Hatter, Captain Simon Tufts, Captain Charles Crowley, and Lieutenant John Mayrant, or a majority of them, be, and they are hereby, fully vested with all the powers and authorities, which in and by the afore recited Ordinance, were vested in the whole of the commissioners therein named.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1243. AN ORDINANCE to appoint commissioners for clearing Wall's Cut, and Edisto, Wateree, and Great and Little Pedee rivers.

(Passed March 26, 1784. *See last volume.*)

No. 1244. AN ORDINANCE to empower commissioners therein named, to cut and sink Drains and Water Passages in Cacaw Swamp, St. Paul's Parish.

(Passed March 26, 1784. *See last volume.*)

A. D. 1784.

AN ORDINANCE to empower his Excellency the Governor, with the advice and consent of the Privy Council, to appoint commissioners of the High Roads, in such parishes and districts where the freeholders neglect to elect them. No. 1245.

(Passed March 26, 1784. See last volume.)

AN ORDINANCE TO FIX A PERIOD FOR THE COMMENCEMENT OF THE OPERATION OF THE ACT OF LIMITATIONS. No. 1246.

WHEREAS, the operation of the Act of Limitations has been from time to time suspended, by several Acts of the Legislature, from the first day of January, one thousand seven hundred and seventy-five, to the present time; and as it is unnecessary to continue the suspension thereof any longer, but it may be the means of preventing much altercation and dispute, and tend to the quieting many persons in their possessions, without injuring the claims or demands of others, that some period should be fixed for the commencement of the operation of the Act of Limitations: Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Ordinance, in all suits, actions, process, or proceedings, either in law or equity, no time that has already passed shall be counted or looked upon as part of the time limited or intended by the Act of Limitation; but that the different periods mentioned in the said Act, in all cases whatever, antecedent hereto, shall begin and be counted at and from the time of the passing of this Ordinance, and not sooner; any law, usage, or custom, to the contrary notwithstanding.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ORDINANCE TO AUTHORIZE THE SEVERAL PERSONS HEREIN MENTIONED, TO OBTAIN GRANTS OF LAND IN THIS STATE. No. 1247.

WHEREAS, the several persons hereinafter mentioned are found to deserve a donation of lands: Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, met and sitting in General Assembly, and by the authority of the same, That the following persons shall be, and they are hereby entitled to grants of land for the quantity annexed to their names respec- Names of persons entitled to grants of land.

A.D. 1784.

tively, to wit: George Hite, four grants of five hundred acres each; Jacob Obanion Hite, two grants of five hundred acres each; James Hite, one grant of five hundred acres; Francis Hite, one grant of five hundred acres; Mary Manning, two grants of five hundred acres each; Elizabeth Beale, wife of Taverner Beale, two grants of five hundred acres each; John Wilkinson, Elizabeth Wilkinson, Edward Wilkinson, and the youngest son of Edward Wilkinson, Esq. deceased, each a grant of six hundred and forty acres of land; Eleanor Pritchard the widow, Elizabeth Purvis, William Pritchard, James Pritchard, and Mary Pritchard, children of James Pritchard, deceased, each a grant of six hundred and forty acres of land; Ann Armstrong, a grant of five hundred acres; Baylis Earl, a grant of five hundred acres; which several grants of land shall be carried through the several offices established for the granting of lands, free of all fees and expenses; and that the lands be vested in each of the said persons respectively, as aforesaid, in fee simple.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1248. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "*An Ordinance for appointing an Ordinance Storekeeper and a Powder Receiver, for the port of Charleston,*" SO FAR AS RELATES TO THE SALARIES OF THE SAID OFFICERS.

Ordinance repealed.

1. *Be it ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That so much of the said Ordinance as relates to the salaries of the said officers, be, and the same is hereby, repealed; and that the said officers in future be respectively allowed a salary of seventy pounds sterling per annum each.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1249. AN ORDINANCE to oblige the Male Inhabitants, from sixteen to sixty years of age, residing within four miles of Black river, in Georgetown district, to work on and lay open the Navigation of the said river, and for appointing commissioners for carrying the same into execution.

(Passed March 26, 1784. See last volume.)

A.D. 1764.

**AN ORDINANCE** FOR SECURING TO THE OFFICERS AND SOLDIERS OF THE SOUTH CAROLINA CONTINENTAL LINE, AND THE OFFICERS ON THE STAFF, AND THE THREE INDEPENDENT COMPANIES COMMANDED BY CAPTAIN BOWIE AND CAPTAIN MOORE, AND TO THE OFFICERS OF THE NAVY OF THIS STATE, THE LANDS PROMISED TO THEM BY THE CONGRESS AND THE LEGISLATURE OF THIS STATE. No. 1250.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, in General Assembly now met, and by the authority of the same, That the commissioners of locations in any of the districts, shall be, and he is hereby authorized and required to receive the entry of the respective officers and soldiers of the late South Carolina Continental line, and the officers on the staff, and the three independent companies commanded by Captain Bowie and Captain Moore, and the officers of the navy of this State, who are entitled to grants of land under any Resolve or Act of the Congress or Legislature of this State, for the quantity of land to which the officers or soldiers applying is entitled; and to issue warrants of survey, and certify and return the plats which shall be made of lands to be surveyed by virtue of such warrants; and that the surveyor general certify the plats; that the secretary prepare the grants, free of expense to the said officers and soldiers; that the Governor be required to sign and pass such grants; and that the fees of the commissioners of locations, deputy surveyor, surveyor general and secretary, for their respective services in the premises, be paid by the public.

Warrants of survey, &c. to be issued gratis to the officers and men of the army and navy.

II. *And be it further ordained* by the authority aforesaid, That the land between Togolo and Keowee rivers, heretofore reserved in order that such quantity of it as the officers and soldiers of the Continental line of this State are entitled to, should be granted unto them, may be granted after the expiration of six months to any persons applying for the grants thereof, in the same manner as vacant lands in any other part of this State.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ORDINANCE** TO EMPOWER THE TREASURERS TO REFUND ALL SUMS OF MONEY WHICH HAVE BEEN PAID, AND TO DELIVER UP ALL SECURITIES WHICH HAVE BEEN GIVEN, FOR THE PAYMENT OF DUTIES ON GOODS, WARES AND MERCHANDIZES, IMPORTED INTO THIS STATE, OF THE GROWTH, PRODUCE OR MANUFACTURE OF ANY OF THE UNITED STATES; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1251.

WHEREAS, by an Act passed the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three, entitled

A. D. 1784.

"An Act for levying and collecting certain duties and imposts therein mentioned, in aid of the public revenue," duties have been collected and securities have been given for the payment of duties on goods imported into this State, of the growth, produce or manufacture of some of the United States; and whereas, it is injurious to that harmony which should ever subsist between these federal States, to impose any duties on the commodities of the respective States;

Duties paid on goods from other States to be refunded.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That the public treasurers be, and they are hereby, authorized and required to refund all such sums of money as have been paid, and deliver up all such securities as have been given, and are now in the treasury, for the payment of duties on any goods, wares and merchandizes of the growth, produce or manufacture of any of the United States.

Treasurers to deliver up securities for goods reshipped.

II. And whereas, securities have been given for the payment of duties on sundry goods, wares and merchandizes, which have been re-shipped from this State, which duties it is just and reasonable should be remitted; *Be it therefore ordained* by the authority aforesaid, That the public treasurers be, and they are hereby, authorized and required to deliver up all such securities as have been given for the payment of duties on such goods, wares or merchandizes as have been re-shipped from this State, since the thirteenth day of August last, in any ship or vessel which hath put into any port of the State in distress, or which have been exported in any ship or vessel without unlading, and that the same was done within one month after the ship or vessel reported at the custom house.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1252. *AN ORDINANCE FOR THE SALE OF THE PUBLIC LANDS WHEREON THE FORTS AND FORTIFICATIONS WERE ERECTED, AND LOW-WATER LOTS WITHIN THE CITY OF CHARLESTON, AND THE STATE SHIP-YARD AT HOBCAW, AND THE ISLAND OF POLLAWAHNAS, IN ST. HELENA PARISH.*

Commissioners appointed to ascertain the boundaries of land, &c. belonging to the public.

I. *Be it ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, in General Assembly now met, and by the authority of the same, That Josiah Smith and Thomas Savage, Esquires, and Mr. Edward Lightwood, be, and they are hereby constituted and appointed, commissioners for the ascertaining the boundaries of the land whereon the several forts and fortifications were erected, and low-water lots, within the city of Charleston, belonging to the public.

And sell the same.

II. *And be it further ordained* by the authority aforesaid, That as soon as the said boundaries shall be so ascertained as aforesaid, the said commissioners shall be, and they are hereby, fully authorized and empowered to expose to public sale (giving three months previous notice thereof in

the public gazette) all the land whereon the forts and fortifications were erected, and low-water lots, belonging to the public, within the city of Charleston, on a credit of three years, payable in State indents; which said commissioners shall take bonds, with proper securities, for the said purchases, bearing an interest of seven per centum, payable annually, by interest due on indents, and made payable to the treasurers of this State, which said bonds shall be lodged with the treasurers of this State as soon as they are taken.

A. D. 1734.

III. *And be it further ordained* by the authority aforesaid, That the said commissioners shall be, and they are hereby, further authorized and empowered to expose to sale, in the same manner and on the same terms hereinbefore mentioned, the State ship-yard, at Hobcaw; which said commissioners are hereby directed to take bonds for the said purchase, in the following manner, that is to say, one fourth of the purchase in a bond, payable to Paul Pritchard, and delivered by them to the said Paul Pritchard, and the remaining three-fourths in a bond payable to the treasurers, and delivered to them by the said commissioners.

Also to sell the State ship-yard at Hobcaw.

IV. *And be it further ordained* by the authority aforesaid, That the Hon. John Barnwell, Esq. William Hazard Wigg, and Benjamin Reynolds, Esqs., be, and they are hereby appointed, commissioners for ascertaining and selling Pollawahna Island, within the parish of St. Helena, in the same manner and on the same terms as is hereinbefore mentioned respecting the forts, fortifications and low-water lots, in the city of Charleston; which said commissioners shall, previous to such sales, agree for the purchase of and take a good and sufficient release and conveyance of the said Island, from the present claimants of the same, to the treasurers of this State, under the consideration of an annuity of twenty-five pounds sterling per annum, to be allowed and paid out of the public treasury of this State to the said claimants.

Commissioners to ascertain and sell Pollawahna Island, &amp;c.

V. *And be it further ordained* by the authority aforesaid, That the said commissioners shall, respectively, be allowed and paid out of the public treasury of this State all their reasonable expenses incurred in consequence of the several powers and authorities hereby vested in them.

Commissioners allowed their expenses.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

**AN ACT FOR ESTABLISHING A FAIR AND MARKETS IN THE TOWN OF No. 1253.  
GREENEVILLE, AT THE LONG BLUFF, ON PEDEE RIVER.**

WHEREAS, Charles Mayson, Evander McIver, Thomas Powe and William Dewitt, did, by their petition to the honorable the Senate and House of Representatives of this State, set forth that they had laid out a town at the Long Bluff on Pedee river, on lands their property, and had forever given and granted to the public of this State the streets in the said town, and also several lots of land for a town house and market place; and, in order to encourage the trade and commerce of that part of the country, the said Charles Mayson, Evander McIver, Thomas Powe and William Dewitt, prayed that two market days might by law be established

Preamble.

A. D. 1785.

in the said town, in each week, and public fairs kept and held there at least twice in every year, and be invested with such liberties and privileges as to markets and fairs commonly belong :

Streets, &c.  
vested in the  
public.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and singular the streets laid out in the said town be forever public, and that the several lots of land designated in the plan of the said town, hereunto annexed, for a town house and market place, and known by the numbers sixty-six and sixty-seven, be vested in the public of this State, and appropriated to those purposes forever.

Markets to be  
held twice a  
week.

II. *And be it further enacted* by the authority aforesaid, That there shall be held and kept in the town of Greeneville aforesaid, upon every Tuesday and Saturday in the week, public and open markets, to which markets it shall and may be lawful to and for all and every the inhabitants and sojourners of this or of any of the United States to go, frequent or resort, and thither to carry all sorts of cattle, grain and victuals, provisions and other necessities, together with all sorts of merchandize whatsoever, and at the public market place to expose to sale or barter, in gross or by retail, between sun-rising and sun-setting of the same days, without any payment of any toll, or any other let or hindrance or molestation whatsoever.

Two Fairs to  
be kept annual-  
ly in the said  
town.

III. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept, in the town of Greeneville aforesaid, two fairs in each year, the first annual, to commence the first Monday in May in every year, and to end upon the Thursday then next following, being in all four days inclusive, and no longer ; and the second fair to commence the first Monday in October in every year, and to end on the Thursday then next following, being in all four days, and no longer ; to which fairs it shall and may be lawful for all and every person or persons, inhabitants, strangers or sojourners of this or of the United States, to the said fairs to go, frequent and resort, and thither to carry or cause to be carried all sorts of cattle, horses, mares, colts, grain, victuals, provision, hemp, flax, tobacco, indigo, madder, and all sorts of merchandize, of what nature soever, and them to expose to sale or barter, in gross or by retail, at the time, hours and seasons that the directors or rulers of the said fair, for the time being, shall proclaim and appoint ; which fairs shall be holden, together with a court of piepowders, and with all liberties and free customs to such fairs appertaining or which ought or may appertain, according to the usage and customs of fairs. And for the more regular government of the said fairs, the majority of the inhabitants of the said town are authorized and empowered to elect and appoint such person or persons as they shall think fit, to be directors or rulers of the said fairs, as also a clerk of the market ; which directors or rulers, so appointed and commissioned as aforesaid, are hereby authorized and empowered to have and hold a court of piepowder, together with all liberty and free customs to such appertaining ; and that they, and every of them, may have and hold there, at their and every of their respective courts, from day to day and hour to hour, from time to time, upon all occasions, complaints and pleas of a court of piepowders, together with all summons, arrests, attachments, issues, fines, redemptions and commodities, and other rights whatsoever, to the same court of piepowders appertaining, without any impediment, let or hindrance whatsoever : Provided always, that the directors or rulers of the fairs aforesaid shall publish or cause to be published, within and without the liberties of the said fairs, at the beginning of the fair, how long that fair shall endure, to the intent merchants and others shall not be at the said fairs over the time so published, upon pain of being fined for the same.

Directors or  
rulers of said  
fairs, to be  
appointed.

Who are to  
hold a court of  
piepowder.

Proviso.

IV. *And be it further enacted* by the authority aforesaid, That the directors or rulers of the said fairs shall, yearly, appoint and limit out a special and certain place, within the town of Greenville aforesaid, where the said fairs shall be held and kept, where horses, mares, colts, geldings and cattle may be sold; in which said certain place there shall be, by the directors or rulers aforesaid, put in and appointed one sufficient person, or more, to take toll, and keep the same place, from nine o'clock in the morning until sunset of every day of the aforesaid fairs, upon pain to lose and forfeit upon every default, one pound sterling: and that every toll-gatherer, his deputy or deputies, shall, during the time of every of the said fairs, take the sum of six pence sterling, due and lawful toll, for every horse, mare, gelding or colt, or for every head of cattle, and one shilling sterling for every slave, and one penny sterling for every hog, sheep and calf, sold within the said fair, between the hours of nine o'clock in the morning and sunset of the same day; and shall have present at the taking of the same toll, the parties of the bargain, exchange, gift, contract or putting away every such horse, mare, gelding, colt or slave, and also the same horse, mare, gelding, colt or slave, so sold, exchanged or put away; and shall then write or cause to be written in a book, to be kept for that purpose, the names, surnames and dwelling places of all the said parties, and the colour, age, and every particular mark and brand of every such horse, mare, gelding, colt or other cattle, and the name or some noted description of the slave, on pain to forfeit, for every default contrary to the intent thereof, the sum of twenty shillings sterling; and the said toll-gatherer, or keeper of the said book, shall, within two days after such fair, bring and deliver his said book to the directors or rulers of the said fair, who shall then cause a note to be made of the true numbers of all horses, mares, geldings, colts, cattle or slaves, sold at the said fair, and shall there subscribe his name; upon pain to him who shall make default thereof to lose and forfeit for every default the sum of twenty shillings sterling, and also to answer to the party grieved by reason of the same, his negligence in every behalf.

A. D. 1785.

Directors to  
appoint a place  
where the fairs  
shall be kept.

Toll-gatherer  
to be appointed.

An account of  
sales to be  
made to the  
directors.

V. *And be it further enacted* by the authority aforesaid, That no person during the time of holding and keeping the said fairs, shall be liable to be taken at the said fairs by virtue of any process, except for treason, felony or other capital crime, or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said fairs, by the justices or judges of such courts out of which the process was issued.

No person to be  
arrested at the  
said fairs, ex-  
cept for capital  
offences.

VI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, shall be recovered by warrant under the hand and seal of any one justice of the peace of the said district, and be disposed of, one half to the use of the said town, and the other half to him or them that will prosecute for the same.

Fines, &c. how  
to be recovered.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

A. D. 1785.

No. 1254. *AN ACT FOR REGULATING THE TOLL TO BE TAKEN AT THE SEVERAL GRIST MILLS THROUGHOUT THE STATE.*

Toll allowed  
for grinding  
grain.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and after the passing this Act, no person shall take more toll for grinding corn, wheat, rye, or any other grain, into good meal or flour, than one eighth part for any quantity under ten bushels, and for ten bushels, or any quantity above, at one time brought, one tenth part only; and that all grain as aforesaid, chopped for homony, feeding stock, or for distilling, one sixteenth part.

Penalty.

II. *And be it enacted* by the authority aforesaid, That any person or persons taking more toll than hereinbefore directed, shall be subject to pay a fine to the amount of ten times the value of the toll so taken, to be recovered in the most summary way, before the nearest magistrate; one half to the prosecutor, and the other half to the person aggrieved.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1255. *AN ACT FOR ESTABLISHING FAIRS AND MARKETS IN THE TOWN OF WINNSBOROUGH.*

Preamble

WHEREAS, John Winn, Richard Winn, and John Vanderhorst, did by their humble petition to the honorable the Senate and House of Representatives of this State, set forth that, at the special instance and request of a number of the inhabitants of the district situate between Broad and Catawba rivers, they had laid out a town by the name of Winnsborough, in the said district, on land their property, and had forever given and granted to the public of this State the streets in the said town, and also several lots of land for a church and market place, agreeable to a plan to the said petition annexed; and in order to encourage the trade and commerce of that part of the country, the said John Winn, Richard Winn, and John Vanderhorst, prayed that a market might be by law established in the said town, and public fairs kept and held there at least twice in every year, for exposing to sale horses, cattle, grain, hemp, flax, tobacco, indigo, and all sorts of produce and merchandise, and that such market and fairs be invested with such liberties and privileges as to the same commonly belong or appertain:

The streets and  
certain lots of  
land vested in  
the public of  
this State.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all and singular the streets laid out in the said town, be forever public, and that the several lots of land designated in the plan of the said town, hereunto annexed, for a church and market place and fair, be

vested in the public of this State, and appropriated to those purposes respectively forever.

A. D. 1785.

II. *And be it further enacted* by the authority aforesaid, That there shall be held and kept in the town of Winnsborough aforesaid, open and public markets, to which markets it shall and may be lawful to and for all the inhabitants and sojourners of this or of any of the United States, to go, frequent, and resort, and thither to carry all sorts of cattle, grain, and victuals, provisions, and other necessities, together with all sorts of merchandise whatsoever, and at the public market place already appointed and assigned for that purpose, them to expose to sale or barter, in gross or by retail, between sunrising and sunsetting of the same day, without payment of any toll, or any other let, hindrance, or molestation whatsoever.

Public markets to be kept in said town.

III. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in the town of Winnsborough aforesaid, two fairs in each year, the first annual, to begin and commence the first Tuesday in May in every year, and to end upon the Friday then next following, being in all four days inclusive, and no longer; and the second fair to begin and commence the first Tuesday in October in every year, and to end on the Friday following, being in all four days inclusive, and no longer; to which fairs it shall and may be lawful for all and every person and persons, inhabitants strangers, or sojourners, of this or the United States, to the said fairs to go, frequent, and resort, and thither to carry, or cause to be carried, all sorts of cattle, horses, mares, colts, grain, victuals, provisions, hemp, flax, tobacco, indigo, and all other sorts of merchandises of what nature soever, and them to expose to sale or barter, in gross or by retail, at the times, hours, and seasons that the directors or rulers of the said fairs for the time being shall proclaim and appoint; which fairs shall be holden, together with a court of piepowders, and with all liberties and free customs to such fairs appertaining, or which ought or may appertain, according to the usage and custom of fairs; and for the more regular government of the said several fairs, the majority of the inhabitants of the said town are authorized and empowered to elect and appoint such person or persons as they shall think fit to be directors or rulers of the said fairs, as also a clerk of the market; which directors or rulers so appointed and commissioned as aforesaid, are hereby authorized and empowered to have and hold a court of piepowder, together with all liberty and free customs to such appertaining, and that they, and every of them, may have and hold there, at their and every of their respective courts, from day to day, and hour to hour, from time to time, upon all occasions, complaints and pleas of a court of piepowder, together with all summons, attachments, arrests, issues, fines, redemptions, and commodities, and other rights whatsoever, to the said court of piepowder appertaining, without any impediments, let, or hindrance whatsoever: Provided always, that the directors or rulers of the fairs aforesaid, shall publish, or cause to be published, within and without the liberties of the said fairs, at the beginning of the fair, how long that fair shall endure, to the intent that merchants and others shall not be at the said fairs over the time so published, upon pain of being fined for the same, and for preventing of any abuse in the aforesaid fairs.

Two fairs to be kept annually, in May and October.

Inhabitants to appoint directors of the fairs and a clerk of the market.

Directors to hold a court of piepowder.

Provide.

IV. *Be it further enacted* by the authority aforesaid, That the directors or rulers of the said fairs shall yearly appoint and limit a special and certain open place within the town of Winnsborough aforesaid, where the said fairs shall be held and kept, where horses, mares, colts, geldings, and cattle, may be sold, in which said certain and open place there shall be by

Directors to appoint a place for holding said fairs.

A. D. 1785.

Persons to be  
appointed to  
receive toll.

the directors or rulers aforesaid, put in and appointed one sufficient person, or more, to take toll and keep the same place from nine o'clock in the morning until sunset of every day of the aforesaid fairs, upon pain to lose and forfeit upon every default, one pound sterling; and that every tollgatherer, his deputy or deputies, shall, during the time of every of the said fairs, take the sum of six pence sterling, due and lawful toll, for every horse, mare, gelding, colt, or head of cattle; and one shilling sterling for every slave; and one penny sterling for every hog, sheep, and calf, sold within the said fair between the hours of nine o'clock in the morning and sunset of the same day; and shall have present at the taking of the same toll, the parties of the bargain, exchange, gift, contract, or putting away every such horse, mare, gelding, colt, or slave, and also the same horse, mare, gelding, colt, or slave, so sold, exchanged or put away, and shall then write, or cause to be written, in a book to be kept for that purpose, the names, surnames, and dwelling places of all the said parties, and the color, brand, and ever particular mark of every such horse, mare, colt, gelding, or other cattle, and the name or some noted description of the slave, on pain to forfeit for every default contrary to the intent thereof, the sum of twenty shillings sterling; and the said tollgatherer or keeper of the said book, shall, within two days next after such fair, bring and deliver his said book to the directors or rulers of the said fair, who shall then cause a note to be made of the true numbers of all horses, mares, geldings, colts, cattle, or slaves, sold at the said fair, and shall there subscribe his name; upon pain to him who shall make default thereof, to lose and forfeit for every default, the sum of twenty shillings sterling, and also to answer to the party grieved, by reason of the same, his negligence in every behalf.

No person can  
be arrested at  
fairs except for  
treason.

V. *And be it further enacted* by the authority aforesaid, That no person during the time of holding and keeping the said fairs, shall be liable to be taken at the said fairs by virtue of any process, except for treason, felony, or other capital crime, or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said fairs, by the justices and judges of such courts out of which the process was issued.

Disposal of  
fines.

VI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, shall be recovered by warrant under the hand and seal of any one justice of the peace of the said district, and be disposed of, one-half to the poor of the said town, and the other half to him or them that will prosecute for the same.

Fines to be re-  
covered by  
warrant.

VII. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, shall be disposed of in manner aforesaid, and be recovered by warrant under the hand and seal of any one justice of the peace of the said district.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1785.

No. 1256.

**AN ACT** FOR RAISING A TAX ON ALL SHIPPING, FOR DEFRAYING THE EXPENSE OF LAYING BUOYS AND ERECTING A LIGHT-HOUSE AND BEACONS AS LEADING MARKS INTO THE HARBOR OF CHARLESTON; AND ALSO FOR ERECTING BEACONS AS LEADING MARKS INTO THE HARBORS OF BEAUFORT AND GEORGETOWN.

WHEREAS, it will be of great benefit and advantage to owners of ships and other vessels bound to the ports of Charleston, Beaufort, and Georgetown, to have buoys laid, and to have erected and supported a light-house and a beacon or beacons, for the direction of the mariners of all vessels coming to the said ports, and thereby rendering the navigation to them more safe and easy than it is at present.

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That it shall and may be lawful for the city corporation, and they are hereby required, to appoint an officer to ask, demand, sue for, recover, and receive, from all masters of vessels, for each and every time of entering and clearing out such vessel at the custom-house for the port of Charleston, the sum of three pence per ton, according to the measurement practised by the harbor master in other cases where tonnage is demanded and paid to the city corporation; which sum or sums so received shall be paid into the city treasury once in every month, and which shall be appropriated to the purposes hereinafter directed, and for none other whatsoever.

Officer to receive tonnage tax to be appointed by the city corporation.

II. *And be it enacted* by the authority aforesaid, That it shall and may be lawful for the harbor master, and he is hereby required, to oblige every master or owner of every decked schooner, sloop, or other vessel, to register the same respectively at his office, within one month after such vessel or vessels have entered the coasting trade within this State, and of which register the said harbor master shall give unto the master or owner of such vessel a certificate, without fee or reward, specifying that such vessel hath been registered as aforesaid, and thereupon the said master or owner shall produce such certificate unto the officer appointed by the city corporation for receiving the tonnage tax, and shall also pay unto him the sum of one shilling per ton, carpenter's measure, which sum shall be in full for one year's tax of such coasting vessel; and which said sum of one shilling per ton, carpenter's measure, shall continue to be paid annually, on or before the first day of January in every year thereafter, by the master or owner of such vessel so registered, and for so long a time as she shall continue in the coasting trade aforesaid; and the said receiver shall endorse his receipt, without fee or reward, on the back of the certificate given by the harbor master.

Masters in the coasting trade to register their vessels in the harbor master's office.

III. *And be it further enacted* by the authority aforesaid, That each and every master or owner of vessel or vessels, entering the coasting trade as aforesaid, and neglecting or refusing to register and pay the tax as aforesaid, shall be fined in the sum of five pounds for every and each of such neglect and noncompliance; and the same shall be recovered by the harbor master, or the receiver appointed by the city council, in a court of city wardens; and all taxes and fines recovered as aforesaid, shall be paid into the city treasury, for the purposes hereinafter directed, and for no other whatsoever.

Penalty in case of neglect or refusal.

IV. *And be it further enacted* by the authority aforesaid, That the city corporation shall, and they are hereby, fully authorized, empowered, and

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City corporation to cause buoys and beacons to be laid.

required, as soon as conveniently may be, to cause buoys to be laid for the purpose of directing vessels to proceed with safety into the harbor, and a light-house and a beacon or beacons to be erected at the most convenient places, with such materials and in such manner as they, the said city corporation, shall judge convenient, and from time to time cause the same to be repaired and kept in good order; and the expenses thereof shall be paid out of the moneys arising from the tax and fines imposed by this Act.

Tonnage at Beaufort and Georgetown to be paid to the collectors.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the collectors of the port of Beaufort and Georgetown, and they are hereby empowered, to ask, demand, sue for and receive from all masters of vessels entering and clearing out at the ports of Beaufort and Georgetown aforesaid, the sum of three pence per ton, which sum or sums shall be paid monthly unto the commissioners of pilotage for the ports of Beaufort and Georgetown aforesaid, and which shall be applied by the said commissioners for the sole purpose of erecting beacons as leading marks over the respective bars to those ports.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1257. AN ACT TO OBLIGE PERSONS INTERESTED IN MARRIAGE DEEDS AND CONTRACTS, TO RECORD THE SAME IN THE SECRETARY'S OFFICE OF THIS STATE.**

Preamble.

WHEREAS, the practice prevailing in this State of keeping marriage contracts and deeds in the hands of those interested therein, hath been oftentimes injurious to creditors and others, who have been induced to credit and trust such persons under a presumption of their being possessed of an estate subject and liable to the payment of their just debts; for remedy whereof, and to prevent such deceitful practices,

Marriage contracts to be recorded in the secretary's office.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That on or before the first day of September next, all and every marriage contract, deed, or settlement, now actually existing, after being duly proved, shall be recorded or lodged in the secretary's office of this State, to be recorded; and where such contracts or marriage settlements, or the parties thereto, are without the limits of this State, then, and in such case, the parties interested therein shall be allowed twelve months from the passing of this Act to record and lodge such contract as aforesaid, in the office aforesaid, to be recorded; and all that shall hereafter be entered into for securing any part of the estate, real or personal, in this State, of any person or persons whomsoever, shall, within three months after the execution thereof, be duly proved, and in like manner to be recorded, excepting such as shall be recorded or lodged in the said office; and in case any person or persons entered in without the limits of this State, which shall be recorded, or lodged to be recorded, in the said office, within twelve months from the date thereof, whomsoever interested in such marriage

deed, contract, or settlement, shall neglect or refuse to record or lodge the same in the manner, or within the times before mentioned, and in the office aforesaid, to be recorded, then the same, in respect to creditors, shall be deemed, and is hereby declared to be, fraudulent; and all and every part of the estate thereby intended to be secured to such person or persons, shall be subject and liable to the payment and satisfaction of the debts due and owing by such person or persons, in as full and ample a manner, to all intents and purposes whatsoever, as if no such deed, contract, or settlement had been ever made or executed.

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In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

AN ACT for raising a fund for the support of an Infirmary or Hospital, No. 1258.  
in the city of Charleston, for seamen.

(Passed March 8, 1785. *See last volume.*)

AN ACT to establish a Ferry over Saluda river, on the land of Russell No. 1259.  
Wilson and Andrew Lee.

(Passed March 8, 1785. *See last volume.*)

AN ACT TO EXPLAIN AND AMEND THE TAX ACT OF 1784.

WHEREAS, difficulties have arisen in the execution of the tax act of No. 1260.  
one thousand seven hundred and eighty four; for the removal thereof,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That where returns of lands have been, or shall be made, in parishes or districts different from those in

which they lie, the inquirers who have received the same shall, on the application of the persons who made the same, certify copies thereof, which certified copies the persons who made the return are hereby required, within sixty days after the passing of this Act, to send, where it has not already been sent, to the assessors of the parish or district where the lands lie; and the assessors of the parish or district where the lands lie shall value the same, and return a certified copy of their valuation to the inquirers from whom they received the returns, within thirty days after the receipt of the certified copy of the return, with the additional allowance

Preamble.

Inquirers to  
certify where  
lands lie, and  
send copies to  
assessors.

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of one day more for every thirty miles between the places where the lands lie and the returns were made.

One year's interest of indents to be paid in special indents.

II. *Be it enacted* by the authority aforesaid, That the treasurers pay in special indents to the holders of indents respectively, where the same has not already been paid, as far as one year's interest, and no more, on each and every indent, as soon as the same shall be due, and the holders thereof apply for the same.

Property distrained to be paid for in specie or indents.

III. *Be it enacted* by the authority aforesaid, That where the taxes imposed by the tax Act of one thousand seven hundred and eighty-four, are levied by distress, the property so levied, when sold, may be paid for in specie, or special indents issued for the interest of the year one thousand seven hundred and eighty-four, at the option of the purchaser.

Lands returned unknown, to be valued in the mode prescribed in the last tax act.

IV. *Be it further enacted* by the authority aforesaid, That where lands are returned unknown, or where the returns of the situation or description of the lands are so general that the assessors cannot obtain satisfactory information of their quality, or where through the neglect of the parties no certified copy of the valuation of lands lying in parishes or districts different from those in which they were returned, shall be received by the inquirers who received the original return, on or before the second day of May next ensuing, then and in each of these three cases the inquirers and assessors shall forthwith value all such lands according to the mode of valuation prescribed by the last tax Act, so far as the information received will permit.

Credit to be given for one year's interest on accounts in the hands of the auditor.

V. *Be it further enacted* by the authority aforesaid, That where any person makes oath or affirmation to the collector of taxes to whom he should pay his taxes, that he has an account in the hands of the auditor, delivered in on or before the first day of October, one thousand seven hundred and eighty-four, he shall have credit from the collector of taxes for six months longer for the whole, or as much of his tax as he shall swear that he believes to be the amount of one year's interest on his account: Provided always, that the collector keep an account of all such persons, and transmit one list of their names, with the sums, the payment of which is delayed, to the commissioners of the treasury, and another to the collectors of the next tax.

Commissioners to have one per cent. added to their salaries.

VI. *Be it further enacted* by the authority aforesaid, That the inquirers, assessors, and collectors of the parishes of St. Philip and St. Michael, shall be allowed a commission of one per cent.; and the inquirers, assessors, and collectors of other parts of the State, a commission of one per cent. on all sums by them respectively received, in addition to what they are now allowed.

Penalties imposed on collectors.

VII. *Be it enacted* by the authority aforesaid, That the pains and penalties imposed on the inquirers, assessors, and collectors, for neglect or refusal to perform their respective duties required by the last tax Act, shall extend to a neglect or refusal to perform the duties required by this Act.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1785.

AN ACT TO EFFECT A REVISAL, DIGEST, AND PUBLICATION OF THE No. 1261.  
LAWS OF THIS STATE.

WHEREAS, from the long neglect of compiling into one body the Acts of the Legislature of this State, and printing the same for the information of the people, the laws have not only multiplied to a great and unnecessary degree, but have also run into obscurity and confusion; and whereas, by the late change in our civil and political circumstances, effected by the glorious revolution of one thousand seven hundred and seventy-six, this State, emancipated from foreign dominion, is become a free and independent republic; and it being therefore necessary to revise and digest the laws enacted under the authority of the British crown, and continued of force, together with those passed since the abolition of that authority, and by corresponding additions, alterations, and amendments adapted to the spirit and principles of a republican government, remove the present well grounded complaints of the people for want of such revisal, digest, and publication :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That three commissioners shall be chosen by the joint ballot of the Senate and House of Representatives, immediately after the passing of this Act, who shall be, and they are hereby, empowered and directed to form a complete and accurate digest of the statute laws of this State, with such additions, alterations, and amendments, as to them shall seem just, right, and expedient; and the said commissioners shall moreover have full power and authority to call on all officers having the custody or keeping of any laws, records, or other papers which shall be necessary to the said commissioners in the furtherance and prosecution of the said digest, for the originals or transcripts of all such laws, records, or other papers, which such officers respectively are hereby required to give whenever the same shall be demanded by such commissioners, or a majority of them, under their hand writing; any law, usage, or custom, to the contrary notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be, and they are hereby, authorized and directed to arrange their system and digest of laws upon the principles of an establishment of counties and county courts of inferior jurisdiction throughout the State, and to render the same as complete, correct, and connected, as shall be possible, and shall lay the same before the General Assembly on or before the expiration of two years from the date hereof, for their inspection.

III. *And be it further enacted* by the authority aforesaid, That each of the said commissioners, as soon as they are appointed and shall enter on this necessary work, shall receive from the public treasury the sum of three hundred pounds each, to enable them to defray the necessary charges and expenses attending it, and as soon as the same shall be completed and laid before the General Assembly, and shall appear to have been executed with ability, correctness, and propriety, the said commissioners, and each of them, shall be entitled to and receive such further sum as shall appear to the legislative body a sufficient compensation for their trouble.

IV. *And be it further enacted* by the authority aforesaid, That in case either of the said commissioners shall die, resign, or remove out of this State, the vacancy occasioned by such death, resignation, or removal, shall

Three commissioners to form a digest of the laws of the State.

The laws to be arranged and laid before the General Assembly within two years.

Compensation to commissioners.

Vacancies to be filled by the remaining commissioners.

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be filled up by the joint nomination and appointment of the two remaining commissioners, to be approved of by his Excellency the Governor and Commander-in-chief for the time being, by and with the advice and consent of the Privy Council.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1262. *AN ACT FOR PRESERVING THE PRIVILEGES OF PUBLIC MINISTERS OF FOREIGN PRINCES AND STATES.*

Preamble.

WHEREAS, the rights and privileges which ambassadors and other public ministers, authorized and received as such, have at all times been thereby possessed of, being founded on principles essential to the laws of nations and their common happiness, ought to be held sacred and inviolable.

Liabilities of  
persons insult-  
ing foreign mi-  
nisters.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons whatsoever, shall attach, arrest, assault, threaten, or insult, the person of any ambassador, or other public minister, or in any other manner whatever violate or prejudice the rights and liberties which ambassadors or other public ministers are, by the law of nations, possessed of as aforesaid, every person so offending may be prosecuted by indictment or information at the suit of the State, in the court of general sessions of the peace, oyer and terminer, in the district where such offence shall be committed; and upon conviction, or the confession of the party, or by verdict of a jury, every such person so convicted shall be deemed a violator of the law of nations, and a disturber of the public repose, and shall suffer such punishment by fine or imprisonment, or both, as the court before whom such trial shall have been had, shall in their discretion judge proper to be imposed and inflicted, not exceeding the sum of two hundred pounds and six months imprisonment.

Foreign am-  
bassadors can-  
not be prose-  
cuted.

II. *And be it further enacted* by the authority aforesaid, That all writs and processes, that shall at any time hereafter be sued forth or prosecuted, whereby the person of any ambassador or other public minister of any foreign Prince or State, authorized and received as such by the United States of America in Congress assembled, or the domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels may be distrained, seized, or attached, shall be deemed to be utterly null and void, to all intents, constructions, and purposes whatsoever.

Persons know-  
ingly prosecu-  
ting to be pun-  
ished.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall knowingly and willingly presume to sue forth and prosecute any such writ or process, such person and persons, and all attorneys prosecuting in such case, and all officers executing any such writ

or process, being thereof convicted in manner aforesaid, shall be deemed violaters of the law of nations, and disturbers of the public repose, and shall suffer such pains and penalties as shall be fit, in manner aforesaid, to be imposed or inflicted: Provided, and be it declared, that no merchant or other trader whatsoever, who hath or shall put himself into the service of any such ambassador or public minister, shall have or take any manner of benefit by this Act; and that no person shall be proceeded against as having arrested a servant of an ambassador or public minister by virtue of this Act, unless the name of such servant be first registered in the secretary's office of this State, and be transmitted by such secretary, who is hereby enjoined so to do, to the sheriff of each district, who shall, upon receipt thereof, affix the same in some public place of their offices, whereto all persons may resort and take copies without fee or reward.

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Proviso.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be taken and allowed in all courts as a public Act, and that all judges and justices shall take notice of it without special pleading, and all sheriffs, constables, and other officers and ministers of justice concerned in the execution of process, are hereby specially required to have regard to this Act, as they will answer the contrary at their peril.

This act to be taken without special pleading.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ACT FOR LAYING OFF THE SEVERAL COUNTIES THEREIN MENTIONED, No. 1263.  
AND APPOINTING COMMISSIONERS TO ERRECT THE PUBLIC BUILDINGS.**

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the following counties shall be established, with the several names, descriptions and boundaries hereinafter set forth and expressed: Six counties for the district now called Ninety-Six, that is to say: one county, situate, lying and being on Savannah river and adjoining the old Indian boundary, and known in the map of Ninety-Six district by the name of Abbeville, one other county, adjoining the above, and also bounded on Savannah river, known by the name of Edgefield; one other county, beginning at the Island Ford on Saluda river, thence along the old road to Odel's ford, on Enoree river, thence down Enoree to Anderson's ford, thence along the road to Hill's ford, on Tyger river, thence down the same to the mouth, thence down Broad river to a point thereon, eight miles below the district line, thence to the mouth of Bear creek, thence up Saluda to the beginning, and known by the name of Newbury; one other county, beginning at the Island Ford, thence up Saluda river to the Indian boundary, thence along the said boundary to Enoree river, thence to Odel's ford, and thence along the old road to the beginning, and shall be named Laurens county; one other county, bounded by Laurens county on the north, the Indian

Counties to be laid off.

Ninety-Six to be divided into six counties.

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The district of  
Camden to be  
divided into 7  
counties.

Cheraws divi-  
ded into three  
counties.

Georgetown  
divided into 4  
counties.

line on the westward, North Carolina boundary and Broad river to Tate's ferry, thence along the road to John Ford's plantation on Enoree river, including the same, and shall be called by the name of Spartanburgh; one other county, of the other part of the said district, and shall be called Union county. Seven counties of the district of Camden, that is to say: one county beginning on the Wateree at Person's Island, thence in a strait line to Black river at Potter's plantation, thence by the widow Grymes's plantation strait to Lynch's creek, thence down the creek to the district line, thence along the said line till it intersects the line of Prince Frederick's parish, thence along the said line to Santee, thence along Santee river to the beginning, and shall be called by the name of Clarendon county; one other county beginning at the corner of Clarendon county line, at Person's Island, thence up the Congaree river to the mouth of Cedar creek, thence on a strait line to the mouth of Twenty-Five Mile creek, thence down the Wateree river to the beginning, and shall be called Richland county; one other county, beginning at the mouth of Cedar creek, thence up Broad river to the mouth of Sandy river, thence in a strait line to the mouth of Rocky creek, thence down the Wateree river to the corner of Richland county line, and shall be called by the name of Fairfield county; one other county, bounded by Clarendon county line, thence up the Wateree river to the mouth of Pine-tree creek, thence along the said creek to Cantey's bridge, thence in a strait line to the fork of Lynch's creek, thence down the said creek to the corner of Clarendon county line, and shall be called Claremont county; one other county, beginning at the mouth of Pine-tree creek, thence up the river to the mouth of Twelve Mile Creek, thence to the North Carolina boundary, thence along the said boundary to the north branch of Lynch's creek, thence down the same to the fork thereof, thence along the line of Claremont county to the beginning, and shall be called and known by the name of Lancaster county; one other county, commonly called the New Acquisition, shall be known by the name of York county; one other county shall begin at the line of York county, thence down Broad river to the mouth of Sandy river, thence in a direct line to the mouth of Rocky creek on the Catawba river, thence up the Catawba river to the line of York county, thence along that county line to the beginning, and shall be called Chester county. The district of Cheraws shall be divided into three counties, that is to say: one county lying and being on the north-east side of Pedee river, bounding on the said river on the one side, the district line of Georgetown on the other side, and on the other the North Carolina boundary, and shall be called and known by the name of Marlborough county; one other county, beginning at the mouth of Cedar creek, on Pedee river, thence up to the head of the southernmost branch of the said creek, and thence by direct line to the fork of Lynch's creek, being the upper county of the said southern division of the district, and shall be called by the name of Chesterfield; one other county, beginning at the mouth of Cedar creek, thence down Pedee to the district line, thence along the said line to Lynch's creek, thence up the same to the fork, being the lower county of the said division, and shall be called Darlington county. The district of Georgetown shall be divided into four counties, as follows: that is to say, one county beginning at Linud's ferry, on Santee river, thence along the road to Potatoe ferry, to Shepherd's ferry on Black Mingo, to Britton's ferry on Great Pedee, thence along the said river and Big Bull's creek to Waccamaw river, thence along the said river to the lower end of Shad's Island, and from thence by a direct course over the said river to the sea, thence along the sea coast to the mouth of North Santee, and thence along the north branch thereof to the beginning, and

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shall be called by the name of Winyaw county; one other county, beginning at Linud's ferry, on Santee river, thence along said river to the district line, thence along said line to Lynch's creek, thence along said creek to Great Pedee river, thence along said river to Britton's ferry, thence along the boundary of Winyaw county to the beginning, and shall be called by the name of Williamsburgh county; one other county, to begin at the corner of Winyaw county on the sea, thence along the line of said county to Waccamaw river, thence along said river to Big Bull's creek, and Great Pedee river to the mouth of Little Pedee river, thence along Little Pedee and Drowning creek to the North Carolina line, thence along said line to the sea, thence along the sea coast to the beginning, and shall be called Kingston county; one other county, to begin at the district line, on Lynch's creek, thence along said line to the North Carolina boundary, thence along said boundary to Drowning creek, thence along said creek and Little Pedee river to Great Pedee river, thence along said river and Lynch's creek to the beginning, and shall be called by the name of Liberty county. The district of Charleston shall be divided into six counties, viz: The district of Charleston to be divided into six counties. one county beginning at Stono inlet, thence as far up Stono river as Wappoo Cut, thence down the creek to Ashley river, thence up the said river as far as the Quarter House, thence across the Neck to Cooper river, thence down the said river to Sullivan's Island, including the same, with all the other Islands southwestward to Stono inlet, and shall be called by the name of Charleston county; one other county, bounded by the line of Charleston county, from Sullivan's Island up Cooper river as far as the T, thence up the eastern branch of the said river to the road leading from Strawberry to Linud's ferry, thence along the said road to Santee river, thence down the north branch thereof to the sea, thence, including all the Islands southwestward, to the beginning, and shall be called Washington county; one other county, beginning at the mouth of Goose creek, up to the bridge, thence a northwest course 47.30, till it intersect the boundary line of Orangeburgh district, thence along the same to Santee river, thence down the said river to Linud's ferry, thence along Washington county line to the head of the eastern branch of Cooper river, thence down the same to the beginning, and shall be called Marion county; one other county, beginning at the corner of Charleston county, on Cooper river, thence up the same to the mouth of Goose creek, thence up the same to the bridge, thence a northwest course 47deg. 30m. till it intersect the district line of Orangeburgh, thence along the same until it crosses Edisto river, thence down the same to the head of Stono swamp, thence down the same to the parish line between St. Andrew's and St. George's, thence along the said line to Ashley river, thence down the said river opposite to the corner of Charleston county line, thence with the same to the beginning, and shall be called Berkeley county; one other county, beginning at the mouth of Wappoo creek, down to Ashley river, thence up the same to the parish line between St. Andrew's and St. George's, thence along the said line to Stono swamp, thence along the same to Edisto river, thence down the said river to South Edisto Inlet, including all the Islands to the eastward, to the beginning, and shall be called by the name of Colleton county; one other county, bounded from South Edisto Inlet, up the same until it intersect the district line of Orangeburgh, thence along the said line to Saltketcher river, thence down the said river to St. Helena Sound, including all the islands to the east, as far as South Edisto Inlet, and shall be called by the name of Bartholomew county. The district of Beaufort shall be divided into four counties, viz: Beaufort to be divided into 4 counties. one county bounded by the sea, Broad river and Savannah river, thence along the road from Zub-

A. D. 1785.

The district of  
Orangeburgh  
to be divided  
into 4 counties.

ly's ferry to Bee's creek bridge, thence by the water course to Broad river, and shall be called by the name of Hilton county; one other county, beginning at Zubly's ferry, thence up Savannah river to the district line, thence along the said line till it reaches Coosahatchie swamp, thence down Coosahatchie to the mouth of Bee's creek, thence up Bee's creek to the bridge, thence along the road to Zubly's ferry, and shall be called and known by the name of Lincoln county; one other county, bounded by the sea to the eastward and from the sea up Broad river to the mouth of Pocotaligo creek, thence, including Barnwell's and Hall's Islands, to Port Royal ferry, thence down Coosaw river to the sea, including all the islands within the said bounds, and shall be called by the name of Granville county; one other county, beginning at the mouth of Combahee, up the said river and the Saltketcher to the district line, thence along the same to Coosahatchie swamp, thence down the same to the mouth of Pocotaligo river, thence to the beginning, and shall be called by the name of Shrewsbury county. The district of Orangeburgh shall be divided into four counties, viz: beginning at the boundary line of Charleston district, in Four Hole swamp, thence along the main branch to the head, from thence northwest 25° to Beaver creek, and thence along the same to the Congaree, thence down Santee to Neilson's ferry, thence along Charleston district line to the beginning, and shall be called by the name of Lewisburgh county; one other county, beginning at the corner of Lewisburgh county line, in the Four Hole swamp, thence along the said line to Beaver creek, thence southwest 54° to the road leading from Orangeburgh to Ninety-Six, in the fork of Edisto river, thence south to the head of Little Saltketcher, thence down the said Saltketcher to the district line, thence to the beginning, and shall be called by the name of Orange county; one other county, beginning at the mouth of Beaver creek, thence along the line of Orange county, thence southwest 54° to the road leading from Orangeburgh to Ninety-Six, thence along the road to the district line, thence along the said line to Saluda river, thence along Union county line to Broad river, thence down the same and Congaree river to the beginning, and be called by the name of Lexington county; one other county, beginning on the Little Saltketcher swamp, at the corner of Orange county line, thence along the district line to Savannah river, thence up the same to the district line, thence along the said line to the south branch of Edisto, thence down the same to Tyler's ferry, thence a direct line to the Saltketchers, where the line of Beaufort district intersects, to Orange county line, thence south to the head of Little Saltketcher, thence down the same to the beginning, and shall be called Winton county.

The justices  
to build a court  
house, prison,  
pillory and  
stocks.

II. *And be it further enacted* by the authority aforesaid, That the justices of the said several counties shall have power to erect or cause to be erected and kept in good repair, within each of their respective counties, and at the charge of such county, one good and convenient court-house, with necessary jury rooms, and one good and sufficient county gaol, of such materials, workmanship, size and dimensions, as such justices shall order and appoint, together with a pillory, whipping post and stocks; and shall also have full power to purchase, or receive by donation, two acres of land whereon to erect the said county buildings, for the use of such county, and for no other use whatsoever; and if the justices of the county shall, at any time hereafter, fail to erect or cause to be erected, and kept and maintained in good and sufficient repair, a court house, prison, pillory and stocks, every member of the court so failing shall forfeit and pay the sum of two hundred pounds lawful money, to be recovered by action of debt, one half to the treasurers for the time being, to the use of the county,

Penalty on  
failure.

and the other half to any person who shall inform and sue for the same in the court of common pleas. A. D. 1785.

III. *And be it further enacted* by the authority aforesaid, That the justices of the several county courts, who shall be appointed and qualified as such, shall have full power and authority to levy and assess an annual tax on the taxable property of the several inhabitants within the respective counties, for building the court houses, prisons, pillories, whipping posts and stocks, in the same form and manner and upon the same principles as the public taxes are imposed, levied and assessed, and shall be collected under the same regulations, and with the same coercive powers in the several sheriffs, as are prescribed and given with respect to taxes imposed by Act of Assembly for the support of Government; which county taxes so collected shall be paid to the said justices or their order; and the said several sheriffs of the respective counties shall be entitled to receive a commission of two and a half per cent. for collecting and paying the same, and no more.

Tax to be levied to erect the public buildings.

IV. *And be it further enacted* by the authority aforesaid, That the justices of each county who shall be appointed and qualified as aforesaid respectively, shall be, and they are hereby, authorized and directed to erect the county buildings in the most convenient part of each county respectively, having regard to the form of the county, situation of the inhabitants, and convenience of the people; and in order that the establishing of the said court-houses may give general satisfaction, two-thirds of the said justices shall concur in fixing on the several places where the said public buildings shall be erected; and if injustice or partiality shall appear in appointing the places for erecting the said buildings, the people shall be redressed upon application, by petition to the Governor and Privy Council, who are hereby authorised and empowered to hear and finally determine the same.

Public buildings to be erected in the most convenient part of each county.

V. *And be it further enacted* by the authority aforesaid, That all the lands and inhabitants lying and being above the old Indian boundary, and to the northwest of the road commonly called Pearris's waggon road, from the said boundary by Isaac Morgan's and Pearris's old place, up to Saluda river, and thence up the south fork thereof, shall be annexed to and included in Spartanburgh county; and all the lands and inhabitants being to the south-east of the said waggon road and Saluda river and the fork of Saluda, down to the old Indian boundary, shall be annexed and included in Laurens county; and all the lands and inhabitants being to the southward of Saluda river and the south fork thereof, above the old Indian boundary, shall be included in and annexed to Abbeville county: Provided nevertheless, that such annexation shall not affect the erecting of the county buildings of Abbeville, Laurens and Spartanburgh, which shall be erected at the respective places, as if such annexation had not been made.

Lands annexed to the counties of Spartanburg and Laurens.

VI. *And be it further enacted* by the authority aforesaid, That where any road or navigable river is the dividing line between two counties, the justices of each county that shall be so divided shall exercise an equal jurisdiction over the said road or river; and the process and orders of each of the said justices which shall be first executed thereupon, shall have jurisdiction, sole and exclusive, as to such other county, and the subject matter of such process or order; any thing herein contained to the contrary notwithstanding.

Dividing lines.

VII. *And be it further enacted* by the authority aforesaid, That the new town which has been lately laid out in the district of Ninety-Six, shall be known by the name of Ninety-Six.

VIII. *And be it further enacted* by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to make any alteration

**A. D. 1785.** in the present arrangement of the militia districts ; and that the officers of the respective regiments shall continue to act as heretofore, until otherwise regulated by law.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

**No. 1264. AN ACT** for the more speedy and effectual enforcing the execution of Decrees in the Court of Chancery.

(Passed March 12, 1785. *See last volume.*)

**No. 1265. AN ACT** TO AFFORD A MAINTENANCE TO THE PERSONS THEREIN MENTIONED.

Preamble.

WHEREAS, it is but consistent with justice and humanity that a suitable maintenance should be made to the widows and orphans of the following persons, whose whole estates are under confiscation :

Land of A. Cunningham restored to his heirs.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, met and sitting in General Assembly, and by the authority of the same, That the plantation or tract of land on Reaburn's Creek, containing two hundred acres, late the property of Andrew Cunningham, whereon he formerly lived, and not sold by the commissioners of forfeited estates, shall be, and the same is hereby, vested in Margaret Cunningham, (relict of the said Andrew Cunningham,) and her children, by the said Andrew Cunningham, now alive, their heirs and assigns, forever.

Culbut Anderson.

II. *Be it enacted* by the authority aforesaid, That all those two plantations or tracts of land, situate in the neighbourhood of Ninety-Six, late the property of Culbut Anderson, containing in the whole four hundred and forty-one acres, and which was sold to Captain Richard Pollard, in July, one thousand seven hundred and eighty-three, but the terms of sale not complied with, shall be, and the same are hereby, vested in Mary Anderson, (relict of the said Culbut Anderson,) and her children, by the said Culbut Anderson, now alive, their heirs and assigns, forever, she paying the surveyor's fees and contingent charges on the sale.

Edward Oats.

III. *Be it enacted* by the authority aforesaid, That those two tenements or lots of land, late the property of Edward Oats, situate in Colleton Square, the one seventy-five feet front and one hundred feet deep, the other thirty feet front and seventy-five feet deep, with eleven acres of land, more or less, on Daniel's Island, shall be, and the same are hereby, vested in Elizabeth Oats, widow, and relict of the said Edward Oats, and her children, by the said Edward Oats, their heirs and assigns, forever, she paying the expenses and contingent charges on the sale.

IV. *Be it enacted* by the authority aforesaid, That five hundred acres of any lands late the property of William Guest, not sold by the commissioners of forfeited estates, that Sarah Guest, wife of the said William Guest, shall choose, shall be, and the same is hereby, vested in the said Sarah Guest, and her children by the said William Guest, their heirs and assigns, forever. A. D. 1785.  
William Guest.

V. *And be it further enacted* by the authority aforesaid, That all personal property under confiscation, not disposed of for public purposes, lately belonging to the said Andrew Cunningham, Culbut Anderson, William Guest, and Edward Oats, shall be, and the same is hereby, restored to and vested in the said Margaret Cunningham, Mary Anderson, Sarah Guest and Elizabeth Oats, respectively, and their respective children : Provided always, that each estate, or parts of estates, so restored by this Act, shall be subject to the payment of all just and bona fide debts that may be against such estate. Also personal property.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

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AN ACT for incorporating divers Religious Societies therein named. No. 1266.

(Passed March 17, 1785. See last volume.)

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AN ACT AUTHORIZING PERSONS, APPOINTED BY THE UNITED STATES, TO MAINTAIN ACTIONS WITHIN THIS STATE. No. 1267.

WHEREAS, it is expedient that provision be made by law for ascertaining the mode whereby debts due and effects belonging to the United States may be recovered and secured ; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met and sitting, and by the authority of the same, That it shall and may be lawful for all and every person or persons who is, are, or may be, authorised and appointed by the United States in Congress assembled, for that purpose, in their name, and in their behalf, to commence and to prosecute to final decree, judgment, and execution, any action or actions, bill, suit or plaint, either in law or equity, for the recovery, from individuals, of debts due, and effects belonging to, the United States. Provided, that all and every such action, bill, suit, or plaint, shall be conducted in the same manner, and subject to the same rules and regulations, as when commenced, sued or prosecuted by one citizen of this State against another citizen thereof, and that the defend- Persons appointed by the United States may prosecute in their behalf.  
Proviso.

A. D. 1785.

ant or defendants be allowed the same privileges and advantages as he, she, or they would be entitled to if sued or impleaded by a citizen of this State.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1268. *AN ACT TO REPEAL PART OF AN ACT OF THE GENERAL ASSEMBLY, ENTITLED "An Act to prevent the spreading of Contagious Distempers in this State," PASSED MARCH 26, 1784.*

Part of a former  
Act repealed.

Vessels produ-  
cing a bill of  
health to be  
admitted.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That such part of the ninth clause of the said Act, passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, as requires that every vessel coming into this State, with or without a bill of health, from any part of the Levant or the Mediterranean, or any place where the plague is frequent, shall be obliged to perform a quarantine of at least forty days, be, and the same is hereby, repealed; and that in all cases of any vessel coming from such places and producing a proper bill of health and being examined as directed in the seventh clause of the said Act, such vessels respectively shall be admitted to an entry, or obliged to perform quarantine for such time only as the Governor or Commander-in-chief for the time being, shall limit and direct.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1269. *AN ACT TO REGULATE THE ADMISSION OF ATTORNIES AT LAW.*

Preamble.

WHEREAS, the admission of attorneys at law, in this State, hath hitherto depended on a rule of court, which experience hath shewn to be productive of great uncertainty and confusion; for remedy whereof,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That when any person, citizen of the United States of America, who hath resided four years in any one or more of them, shall have acquired a sufficient knowledge of the laws of this State to qualify him to practise the law in this State, and shall apply

for admission to the bar, he shall address a petition to the judges of the court of common pleas, praying to be examined touching his capacity, ability and fitness to plead and practise as an attorney; whereupon any three of the said judges, or two of them with one of the chancellors, or any one of them with two of the chancellors, shall, and they are hereby directed, diligently and faithfully to examine such person touching his capacity, ability and fitness to plead and practise as aforesaid, and to whom such person shall also produce satisfactory testimonials of his probity, honesty and good demeanor; and if such person shall be found duly qualified, the said judges on examination shall grant to such person a license, from under their hands, to plead and practise as an attorney, in any court of law or equity in this State.

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How attorneys shall be admitted.

II. *And be it further enacted* by the authority aforesaid, That when any person shall have served a clerkship of four years to some practising attorney of the said court of common pleas, who hath practised therein for the term of seven years thence before, or to the prothonotary of the said court, and shall adduce satisfactory proof thereof to the said court; or any native of the United States who shall produce proper testimonials of his having studied for three years in any foreign university or law college, and is willing and desirous of being examined as to his knowledge of law, which the judges of the court of chancery or common pleas are hereby authorised and required to do in manner aforesaid, and on such examination shall be found duly qualified—every such person and persons shall be admitted to the bar of the several courts of law and equity in this State.

Of those who have served clerkships, or have studied abroad.

III. And whereas, by the articles of confederation, every citizen of the United States is entitled to the privilege of following his calling or profession in each of the said United States; *Be it therefore enacted* by the authority aforesaid, That where any citizen of any of the United States hath been admitted to plead and practise the law in any court of supreme jurisdiction in either of the said United States, and shall become a resident of this State, such person may prefer his petition to the court of common pleas of this State, setting forth such his admission, and shall moreover produce to the said court a certificate under the hands of the judges of such supreme court, or a majority of them, and the seal of their court, that such person is an attorney of such court, duly admitted, at least two years previous to the date of such certificate, and is a person of unblemished character for probity, honesty and good demeanor, whereupon such person shall be admitted to the bar of the supreme courts of law and equity in this State.

Of persons admitted in any of the United States.

IV. *And be it further enacted* by the authority aforesaid, That every person so licensed and admitted as aforesaid shall, at the time of his admission, take the oath of allegiance and fidelity to this State, and likewise the oath of an attorney; and if any person shall presume to act without having taken the said oaths respectively, such person shall forfeit and pay the sum of one hundred pounds sterling, to be recovered by any informer who shall sue for the same by action of debt, in any court of record having jurisdiction: Provided, that nothing contained in this Act shall exclude any person or persons who have any business depending in any of the courts, either to plead in his own case, to put in his plea or answer at the proper office, or file his declaration, as the case may be.

Oaths to be taken by persons admitted.

Proviso.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1785.

**No. 1270. AN ORDINANCE FOR REGULATING THE PUBLIC VENDUES IN THIS STATE, AND FOR REPEALING PART OF AN ORDINANCE ENTITLED "*An Ordinance for regulating all Vendues in this State, and for raising supplies to Government,*" passed the sixteenth day of March, one thousand seven hundred and eighty-three.**

**I. Be it ordained,** by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That on or before ten days after the passing of this Ordinance, the licenses at present held by the vendue masters in the parishes of St. Philip and St. Michael, shall cease and determine, and that such of the said vendue masters, or others, who may choose hereafter to apply for licenses as vendue masters, shall be entitled to the same only on their complying with the conditions and restrictions imposed by this Ordinance, viz. they shall respectively give bond with two substantial securities, in the sum of five thousand pounds sterling, for their true and faithful compliance with this Ordinance, which securities shall be approved of by the commissioners of the treasury for the time being; and the said auctioneers or vendue masters shall also take the following oath before the said commissioners, or any one of them, viz. "I, A B, do sincerely swear (or affirm, as the case may be) that I will render a just and true account to the commissioners of the treasury for the time being, of all ships, boats, or other vessels, lands, slaves, houses, horses, cattle, goods, wares, and merchandise, which I may sell and dispose of either at public vendue or private sale, whenever called upon for that purpose; and pay the tax or duty imposed thereon by virtue of this Ordinance; and that I will produce all my books which contain an account of sales made by me; and that I will not, directly or indirectly, by myself or any person acting under me, or as a partner with me, do any thing to evade paying the said tax or duty for any article so sold, either by myself or any person or persons acting under my authority, or in partnership with me. So help me God."

**II. And be it further ordained** by the authority aforesaid, That as soon as the present vendue masters or auctioneers, or any other who shall have been a citizen of this or any of the United States two years, shall apply for license to act as vendue masters or auctioneers, shall have taken the oath, and given bond with the securities as aforesaid, the commissioners of the treasury for the time being shall give to them respectively a license for carrying on the vendue business; and in case any person or persons shall act as an auctioneer or vendue master within the limits of the parishes of St. Philip and St. Michael, Charleston, without having a license for that purpose, he or they so offending shall, for every such offence, forfeit the sum of five hundred pounds sterling, to be recovered in the court of common pleas of this State, wherein no imparlance, protection, or wager of law, shall be allowed; one-half of such money so recovered shall be paid to the person or persons who shall give information of such sale, and the other half to be paid into the treasury of this State.

**III. And be it also ordained** by the authority aforesaid, That it shall and may be lawful for the said auctioneers or vendue masters to stop out of the sales of all such ships, boats, or any other vessels, lands, slaves, houses, one per cent., and upon all horses, cattle, goods, wares, and merchandise,

Vendue licenses to cease, and new ones be obtained.

Oath.

Qualification of an auctioneer.

Penalty for selling without a license.

Tax on sales at auction.

two and a half per cent., which they may sell and dispose of either at public vendue or private sale, which sum shall be paid to the commissioners of the treasury by the respective auctioneers or vendue masters, once in every three months, for the use and service of this State; except on such sales as shall be made of the property which belonged to persons deceased, or to insolvent debtors, or what shall be sold upon auction for debts or effects seized and sold under execution, or on any effects sold under the decree of the court of chancery.

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IV. *Be it ordained* by the authority aforesaid, That the auctioneers hereafter to be appointed in conformity to this Ordinance, are hereby authorized to recover in the most summary way before the court of wardens, or any other court of record in this State, the amount of their cash sales from the purchasers, and the amount of their commissions from the former proprietors for property sold on credit.

Auctioneers to  
recover by  
summary pro-  
cess.

V. *And be it also ordained* by the authority aforesaid, That where any property has been or shall be bona fide sold by the said auctioneers or vendue masters for indents, either special or common, the commissioners of the treasury are hereby authorized and required to demand and receive the said tax or duties in indents of the same kind for which the property was sold; and in all other cases the vendue masters or auctioneers shall be obliged to receive, if tendered, and authorized to pay into the treasury, one half of the aforesaid duties in special indents.

Duties to be  
paid in indents  
when sold for  
the same.

VI. *And be it also ordained* by the authority aforesaid, That the said auctioneers or vendue masters so to be appointed, shall be obliged, and he or they is and are hereby obliged and required, to keep a book, wherein shall be fairly written and entered all ships, boats, and other vessels, lands, slaves, houses, horses, cattle, goods, wares, and merchandises, by him or them sold and disposed of, either at public outcry or by private sale, to whom and at what prices the same were sold, which book or books shall be laid before the commissioners of the treasury for the time being, for the duties due the State at every time of settlement with the same.

Books of auc-  
tioneers to be  
laid before the  
commissioners  
of the treasury.

VII. *And be it also ordained* by the authority aforesaid, That in case the said auctioneers or vendue masters, so to be appointed as aforesaid, or any of either of them, shall neglect or refuse to pay to the commissioners of the treasury, at the times before mentioned, all such tax or duty for ships, boats, or other vessels, lands, slaves, houses, horses, cattle, and all goods, wares, and merchandises, sold by him or them as aforesaid, or to produce their book and books wherein are entered the sales of all such articles so sold and disposed of by them, or any of them respectively, either at public or private sale, when called on by the commissioners of the treasury for that purpose, in either case the commissioners of the treasury for the time being, and each and every of them, are hereby authorized, directed, and required to sue immediately (on the refusal or neglect of such auctioneer or vendue master) for the penalty of their respective bonds, in the court of common pleas of this State, and the court of wardens, wherein no imparlance, protection, or wager of law, shall be allowed; and the auctioneer or vendue master so offending, shall forfeit his license as auctioneer or vendue master, and be rendered incapable of obtaining a new license for the term of seven years; and in case of his or their continuing to sell at auction, as a vendue master, after the forfeiture of his or their license as aforesaid, he or they so offending shall forfeit and pay the sum of one thousand pounds sterling for every such offence, one-half to the State, and the other half to the person or persons who shall inform and sue for the same, to be recovered as aforesaid.

Penalty in case  
of neglect or  
refusal.

A. D. 1785.

Commissioners  
to recover all  
duties and  
taxes.

Ordinance of  
1783 repealed.

VIII. *And be it also ordained* by the authority aforesaid, That the commissioners of the treasury are hereby required and directed to proceed immediately to recover all taxes or duties due by the present vendue masters, or which shall become due by virtue of the Ordinance entitled "An Ordinance for regulating all vendues within this State, and for raising supplies to Government," passed the sixteenth March, one thousand seven hundred and eighty-three, agreeable to the directions of the said Ordinance; and except that part of the said Ordinance which gives the commissioners of the treasury full power and authority for the recovery of the tax or duty which may or shall be due by the present vendue masters, by virtue thereof, the said ordinance, and every other part thereof, shall be, and is hereby, repealed, and declared null and void.

Commissioners  
to make good  
all losses in-  
curred by their  
neglect.

IX. *And be it also ordained* by the authority aforesaid, That in case the commissioners of the treasury for the time being shall neglect or delay to call on the several auctioneers or vendue masters respectively, for payment of the tax or duty hereby imposed, at the expiration of every three months, or to take such steps for the recovery thereof as is hereby required and directed, the said commissioners of the treasury, and each and every of them, neglecting to do so, shall be liable to make good all losses that may arise from such neglect and delay; and that the bonds, by the respective auctioneers or vendue masters to be appointed by virtue of this Ordinance, may be secured from the chance of being lost or destroyed by fire, the commissioners of the treasury are hereby directed and required to have the same recorded in the secretary's office of this State, and that as soon as recorded, the original bonds shall be returned to and lodged in the treasury office.

Persons not  
complying  
with the condi-  
tions of sale  
liable to all  
losses.

X. *And be it ordained* by the authority aforesaid, That every person who shall purchase any lands, slaves, houses, horses, cattle, ships, boats, or other vessels, goods, wares, and merchandises, at any public sale in this State, and which purchase shall be entered in the books of the vendue masters so selling such property, such person refusing to comply with the conditions of the said sale within seven days thereafter, shall be liable to all losses arising thereon, to the original owner; and for the more speedy ascertaining said losses, the vendue master is hereby authorized to re-sell such lands, slaves, houses, horses, cattle, ships, boats, or other vessels, goods, wares, and merchandise, on the original conditions, giving seven days notice of said sale; and that whatever deficiency shall arise on said purchaser's noncompliance, the vendue master shall recover, at the first ensuing court having jurisdiction, such loss, from every person so declining to comply with the conditions of the original purchase, together with the commissions and other expenses attending the sale; and in order that the said deficiency and expenses may be recovered from the defaulter with the least possible delay, the justices of the court of common pleas are hereby authorized and empowered to make such summary rules and orders in all causes relative to the recovery of the said deficiencies and expenses, as shall be agreeable to justice, and may tend to expedite such causes, notwithstanding the writ or other process shall or may be made returnable at any day that is to come after the time appointed for the holding a court for the trial of all such causes aforesaid; and no judgment given in any such cause shall be arrested or staid for or by reason of any error or mistake in the proceedings: Provided, that all persons who are parties to any such cause or suit, have due and convenient notice of such rules and orders as aforesaid, and have reasonable and convenient time allowed them to do

Provided:

and transact all matters that are necessary and allowable by law to defend their respective suits.

A. D. 1785.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ORDINANCE TO PROHIBIT THE RAISING AND KEEPING HOGS IN THE TOWNS OF BEAUFORT AND GEORGETOWN. No. 1271.**

I. *Be it ordained*, by the honorable the Senate and House of Representatives, and by the authority of the same, That from and after the passing of this Ordinance, it shall not be lawful for any person or persons to raise or keep at large in the towns of Beaufort and Georgetown, any hog or hogs, on any pretence whatever. Not lawful to raise hogs in Beaufort and Georgetown.

II. *Be it ordained* by the authority aforesaid, That it shall be lawful for any person or persons to kill and destroy any hog or hogs that may be found going at large in any street, streets, or public places in the towns aforesaid. Lawful to kill hogs running at large.

III. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for any magistrate for the district to impose a fine, not exceeding two pounds, on any person or persons convicted of permitting hogs to go at large about the towns of Beaufort or Georgetown aforesaid, and such fines so recovered shall be paid unto the church wardens of the parishes of St. Helena and Georgetown, for the use of the poor. Persons to be fined for allowing hogs to run at large.

IV. *And be it further ordained* by the authority aforesaid That it shall and may be lawful for the taxable inhabitants of the towns of Beaufort and Georgetown, and Camden, on every Easter Monday in every year, to elect by ballot three persons, inhabitants of such town or village, to act for the ensuing year as commissioners of the streets; which persons, or any two of them, shall have the same power and authority for repairing and cleansing the streets of such town or village, for preventing and removing of nuisances, as the commissioners of the streets for the city of Charleston used heretofore to exercise and enjoy. Commissioners of the streets to be elected by the inhabitants.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ORDINANCE for raising the rates of Ferriage at Ashley Ferry. No. 1272.**

(Passed March 17, 1785. See last volume.)

A. D. 1785.

No. 1273. AN ORDINANCE to amend an Ordinance entitled "An Ordinance to empower commissioners therein named to cut and sink Drains and Water Passages in the swamp and savannahs formed by the northeast branch of Stono river," passed the sixteenth day of March, one thousand seven hundred and eighty-three; also to amend an Ordinance entitled "An Ordinance to empower commissioners therein named, to cut and sink Drains and Water Passages in Cacaw Swamp, St. Paul's parish," passed the twenty-sixth day of March, one thousand seven hundred and eighty-four.

(Passed March 17, 1785. See last volume.)

No. 1274. AN ACT FOR ERECTING AND ESTABLISHING A COLLEGE AT THE VILLAGE OF WINNSBOROUGH, IN THE DISTRICT OF CAMDEN, A COLLEGE IN OR NEAR THE CITY OF CHARLESTON, AND A COLLEGE AT NINETY-SIX, IN THE DISTRICT OF NINETY-SIX, IN THE STATE OF SOUTH CAROLINA.

Preamble.

WHEREAS, the proper education of youth is essential to the happiness and prosperity of every community, and is therefore an object well worthy the attention of this Legislature; and whereas, the incorporated Mount Sion Society have petitioned this House that a college may be erected and established by law at the village of Winnsborough, in this State, for the instruction of youth in the learned languages and the liberal arts and sciences, and that the said college may be committed to the management, direction, and government of trustees, to be chosen and appointed by the said society out of their number:

Mount Sion college established.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That there be erected and established, and hereby is erected and established, at the village of Winnsborough, in the district of Camden, in this State, a college for the education of youth in the learned and foreign languages, and in the liberal arts and sciences, under the style, name, and title, of the "Mount Sion College."

Trustees appointed for Charleston college.

II. And whereas, it is much desired by many well disposed persons that a public seminary of learning for the education of youth should be established in or near Charleston, and it is not doubted but that many persons will contribute largely towards the same, if a proper piece of ground was appropriated for that purpose, and a law passed for empowering commissioners to receive such donations, and for erecting a college as soon as a sufficient sum shall be raised for that purpose; *Be it therefore enacted* by the authority aforesaid, That his Excellency the Governor for the time being, his honor the Lieutenant Governor for the time being, the honorable John Lloyd, Daniel Desaussure, Daniel Bourdeaux, David Olyphant, Arnoldus Vanderhorst, Joseph Atkinson, John Rutledge, John Mathews, Richard Hutson, and Thomas Heyward, junior, Esquires, Thomas Bee, David Ramsay, Arthur Middleton, Gabriel Manigault, Ralph Izard, William Smith, Charles Pinckney, Richard Beresford, Charles Cotesworth Pinckney, and Hugh Rutledge, Esquires, and the reverend Robert Smith, or a majority of them, and their successors to be elected in manner hereinafter directed, shall forever be one body politic and corporate, in deed and

in name, by the style of the "Trustees of the College of Charleston;" and that by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to have, receive, take, and enjoy, to them and their successors, lands, messuages, tenements, rents, liberties, franchises, and hereditaments, of any kind, nature, quality, or value, in fee and perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels, and things whatsoever, of any nature, quality, or value, for building, erecting, and supporting the said college in or near Charleston as aforesaid: provided, the same do not exceed in the whole the yearly value of twenty thousand pounds sterling; and that by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, complaints, and demands; and to grant, bargain, sell, set, or assign, any lands, tenements, hereditaments, goods, or chattels; and to act and do all things whatsoever for the use aforesaid, in as ample manner and form as any natural person or body politic or corporate, can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter, or make new the same, from time to time, as they shall think proper; and that the land heretofore given and appropriated for a free school in Charleston, shall be, and the same is hereby, declared to be reserved for the use of the said college or seminary of learning in Charleston, and that the same shall not be applied to any other use or purpose.

A. D. 1785.

III. And whereas, by the liberal subscriptions which have been made towards erecting and maintaining a seminary of learning at Ninety-Six, and the exertions of the trustees appointed by an Act of the General Assembly, passed the thirteenth day of August, in the eighth year of the Independence of the United States of America, to whom the government of the public school was committed, a very considerable fund hath already accumulated, and a prospect of still greater additions; and whereas, it is just and proper to give all possible encouragement to, and enlarge the foundations of, the said public school, in common with the others by this Act to be established; *Be it therefore enacted* by the authority aforesaid, That the honorable Benjamin Guerard, John Lewis Gervais, and Henry Pendleton, Esquires, and Leroy Hammond, Nicholas Eveleigh, Major Thomas Pinckney, Benjamin Tutt, Arthur Simkins, Joseph Adair, of Duncan's creek, John Thomas, senior, Robert Rutherford, Alexander Gillon, and John Purvis, Esquires, together with the trustees of the public school established at Ninety-Six, mentioned in the said recited Act, or a majority of them, shall be, and they are hereby appointed, trustees of a college to be erected at or near the town of Ninety-Six, which shall be called and known by the name of the "College of Cambridge;" which said trustees, or a majority of them, and their successors, to be elected in manner hereinafter directed, shall forever be one body politic and corporate, in deed and in name, by the style of the "Trustees of the College of Cambridge," and shall be vested with the same powers and authorities, and enjoy the same rights and privileges, to all intents and purposes, as are vested in, belonging to, or enjoyed by, the said colleges of Winnsborough and Charleston, or either of them.

IV. *And be it further enacted* by the authority aforesaid, That the said trustees, or a majority of them, shall have full power and authority to meet at all times when they shall think proper, at the said town of Ninety-Six, or at any other place such trustees or a majority shall appoint, to deliberate, resolve upon, and carry into effect, the laws and regulations to be by them

College of  
Cambridge.Powers of  
trustees.

A. D. 1785.

made for the government of the said college, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, resignation, or removal out of this State of any of its members; and shall in all other respects have the same powers and authorities, and enjoy the same immunities, rights, and privileges, to which either of the said corporations of Winnsborough and Charleston colleges are entitled by this Act; anything herein contained to the contrary notwithstanding.

Charters of the  
respective  
colleges.

V. *And be it further enacted* by the authority aforesaid, That the charters or constitutions of the said colleges respectively, shall be, and they are hereby declared to be, as is hereinafter mentioned and defined; that is to say:

Winnsborough  
college to have  
13 trustees,  
Charleston 23.

1. The said college at Winnsborough shall be under the management, direction, and government of thirteen trustees, or a quorum or Board thereof, as hereinafter established, to be chosen, appointed, and perpetuated, as hereinafter directed; and the said college at Charleston shall be under the management, direction, and government of twenty-three trustees, or a quorum or Board thereof, to be chosen, appointed, and perpetuated as followeth; that the said trustees and their successors forever, shall meet on the first Monday of February in every year, at the State House in Charleston, until the said college shall be erected, and afterwards at the college hall, between the hours of nine and two, and that the major part of those so met shall choose a president, and such other officers, ministers, and servants, as they shall think necessary, for the year ensuing; that the said president and officers so chosen shall then and there take an oath for the due and faithful execution of their office, to be administered to them by any justice of the peace; that on the death, resignation, or removal of the said trustees or their successors, or any person chosen to any of the said offices, the president shall, within one month thereafter, cause the members thereof to be summoned to meet at the usual place, at such time as he shall think proper, not less than five nor more than ten days after such notice, and the trustees meeting in pursuance of such summons, or a majority of them, shall choose another trustee or officer in the room of the person so dying, resigning, or removing, who shall be vested with the same powers and privileges which his predecessor or predecessors held, enjoyed, or was entitled to; and the said trustees shall also meet quarterly at the State House in Charleston, until the said college shall be erected, and afterwards in the college hall, between the hours of nine and two, to transact the business thereof, under the penalty of one pound for every neglect, unless he shall make a satisfactory excuse for such non-attendance at the next quarterly meeting.

Mount Sion  
Society to have  
13 trustees.

2. The president and wardens of the Mount Sion Society shall, as soon as conveniently may be, after the passing of this Act, cause the members thereof to be summoned to meet at the usual place in Charleston, at such time as they shall think proper, not less than thirty days nor more than sixty days after such notice, for the purpose of choosing thirteen fit and proper persons out of their own body, to act as trustees of the said college, who shall thereafter be called and known by the name of the "Trustees of the Mount Sion College," and shall be invested with all the powers and authorities hereinafter mentioned and declared; which said trustees shall continue in office three years, and no longer; and shall in like manner be elected every three years forever.

No meeting  
valid without 7  
are present.

3. No meeting of the trustees shall be valid or legal for the despatch of any business whatsoever, unless there shall be seven of the number present.

4. No meeting of the said trustees shall be valid or legal for deciding any new question which may arise, or for determining upon any matter or thing which shall appear to be out of the usual track or established course of business, unless the clerk or other officer of the trustees for that purpose to be appointed, shall have duly and legally notified each and every trustee of such meeting, and shall, before the entering upon any business, under his hand certify such notification. A. D. 1785.  
Trustees to be notified by the clerk when to meet.

5. The head or principal of the said college shall be called and styled "The President," and the masters thereof shall be called and styled "Professors;" but neither president nor professors, while they remain such, shall ever be capable of holding the office of trustee. The principal and masters to be styled president and professors.

6. The trustees appointed as aforesaid shall have regular and stated meetings for the despatch of business, at such times and at such places as they, or a quorum of them, shall appoint. Trustees to have stated meetings.

7. Six or more of the said trustees shall have full power and authority to call occasional meetings of the Board whenever it shall appear to them necessary. Six trustees to have power to call occasional meetings.

8. The said trustees, or a quorum of them, (according to the provision hereinbefore,) being regularly convened, shall be capable of doing and transacting all the business and concerns of the said colleges respectively, and particularly of electing and appointing the president and professors, of appointing a treasurer, secretary, stewards, managers, and all other necessary and customary officers, for the taking care of the estate and managing the concerns of the institution, of fixing and ascertaining their several salaries and stipends, and removing or displacing any or all of them for misconduct or malversation in office, of prescribing the course of studies to be pursued, and in general of framing, establishing, and enacting all such orders, rules, statutes, and ordinances, as shall appear to them necessary for the good government of the said colleges, not repugnant to the laws of this State. Trustees to do the business of the colleges.

9. The presidents and professors, or a majority of them, shall be styled and called the "Faculty of the Colleges," which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions shall continue disobedient and refractory, until the determination of a quorum of trustees can be had. The Faculty to have power to enforce the rules.

10. No person shall be eligible as a trustee of the said colleges unless he shall profess the Christian protestant religion; but none shall be excluded from any other liberty, privilege, or immunity, of the said colleges, whether as principal, professor, or pupil, on account of his religious persuasion; provided he shall demean himself in a sober, peaceable, and orderly manner, and shall conform to the rules and regulations of the said colleges respectively. Qualification to be a trustee, teacher, or pupil.

VI. *And be it further enacted* by the authority aforesaid, That the said trustees, or the major part of them, shall have full power, by the presidents of the said colleges respectively, or any other of the faculty deputed by them to grant and confer such degree or degrees in the liberal arts and sciences, to any of the students of the said colleges, or to any others by them, thought worthy thereof, as are usually granted and conferred in other colleges in Europe or America, and to give diplomas or certificates thereof, signed by them, and sealed with the common seal of the society, to authenticate and perpetuate the memory of such graduation. Trustees can confer degrees.

VII. And whereas, for the adequate maintenance and support of said college at Winnsborough, it is necessary that the power of the Mount

A. D. 1785.

Mount Zion  
Society capa-  
ble of possess-  
ing estates to a  
certain extent.

Sion Society, with respect to property, should be enlarged; *Be it further enacted* by the authority aforesaid, that from and after the passing of this Act, the said society, and their successors, shall be competent and capable, at law and in equity, for the use of the said college, to take, acquire, and possess any estate in messuages, lands, tenements, rents, goods, chattels, moneys, or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever: provided the same do not exceed in the whole the yearly value of twenty thousand pounds sterling; and the same messuages, lands, tenements, hereditaments, and estate, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest, or otherwise dispose of, for the use of the said college, in such manner as to them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income, and interest, of the same, and to apply the same to the proper use and support of the said college.

No misnomer  
shall annul a  
gift or grant.  
Proviso.

VIII. *And be it further enacted* by the authority aforesaid, That no misnomer of the said colleges respectively, or of the said societies, shall defeat or annul any gift, grant, devise, or bequest, to or from them, or either of them: provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from them or either of them; nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions, and authorities, hereby granted to the said colleges and the said societies, or either of them, create or cause a forfeiture thereof.

Legacies, un-  
less restricted,  
to be divided  
equally.

IX. *And be it further enacted* by the authority aforesaid, That all legacies, gifts, and donations, of whatever kind or nature soever, which have been heretofore bequeathed, given, or granted, toward the establishment, endowment, or support of a college or colleges to be erected in this State, unless expressly limited and restricted by local situation or otherwise, shall be equally divided among the three colleges intended to be hereby established, share and share alike, and shall be vested in their respective trustees and their successors forever, for their several uses respectively.

This act to be  
taken without  
special plead-  
ing.

X. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and judicially taken notice of as such, without special pleading; that the same shall be liberally construed for the fully carrying into execution the beneficial purposes hereby intended; and if any person or persons shall be sued for any matter done in pursuance thereof, they may plead the general issue, give this Act and the special matter in evidence, and on a discontinuance, or judgment against the plaintiff, shall recover treble costs.

In the Senate House, the nineteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1275. AN ORDINANCE for Incorporating Echaw Church, in St. James's Parish, Santee.

(Passed March 19, 1785. See last volume.)

A. D. 1785.



**AN ORDINANCE FOR THE SPEEDY SETTLEMENT OF THE PUBLIC No. 1276.**  
**ACCOUNTS.**

I. *Be it ordained*, by the honorable the Senate and the House of Representatives, and by the authority of the same, That five commissioners shall be appointed by joint ballot of the Senate and House of Representatives, who are severally hereby required, immediately after the passing of this Ordinance, to take the following oath or affirmation before some one of the judges of this State, to wit: "I, A B, do swear or affirm that I will do equal justice between the State and the individuals who have accounts against the State, or confiscated estates, which the auditor or party concerned shall submit to my decision, according to the best of my knowledge. So help me God." And upon their taking the oath or affirmation aforesaid, they, or a majority of them, shall be empowered finally to settle all accounts which have been or shall be brought into the auditor's office, and which have not been passed by the auditor, according to what shall appear to them, or a majority of them, to be just and reasonable, any law heretofore made to the contrary notwithstanding; and in case of the death, resignation, removal, or refusal to act, of any or either of the persons to be appointed in conformity to this Ordinance, the Governor or Commander-in-chief for the time being is hereby authorized and required to supply his or their place by a new appointment, and the person or persons so appointed by the Governor or Commander-in-chief for the time being, shall have the same power and authority as those who shall be appointed by the joint ballot of the Senate and House of Representatives; and the commissioners to be appointed as aforesaid shall have authority to appoint a clerk, and to draw from the treasury such sum as shall appear reasonable to them for his service.

Commissioners  
to be appointed  
to settle ac-  
counts.

Oath.

II. *Be it further ordained*, by the authority aforesaid, That the commissioners to be appointed as aforesaid shall sit from time to time, as occasion shall require, to decide disputes between individuals and the State, and the confiscated estates, of which their clerk shall give previous notice in the State Gazette, and the persons whose accounts are in dispute shall be by him from time to time particularly notified to attend when their accounts are to be decided upon.

Commissioners  
to decide dis-  
putes.

III. *And be it further ordained* by the authority aforesaid, That the accounts which have been brought in since the fourth day of February last, and which shall be brought in before the first day of October next, shall, after being audited, be delivered to the commissioners of the treasury, who are hereby required to pass such accounts into a treasury indent: Provided, that no special indent shall be issued for one year's interest thereon, until such year's interest shall become due.

Commissioners  
to pass audited  
accounts into  
treasury in-  
dents.

Proviso.

IV. *And be it further ordained*, by the authority of the same, That all accounts which have no remarks made on them, shall, after being certified by the auditor, be immediately sent into the treasurers office to be passed into indents.

Accounts cer-  
tified by the  
auditor to be  
passed into  
indents.

V. *And be it further ordained* by the authority aforesaid, That eight hundred guineas shall be allowed to the auditor general, to be paid to him in four months after the passing of this Ordinance, by the treasurers, out of any money in the treasury: Provided, that the salaries at present allowed

Allowance to  
auditor general

Proviso.

A. D. 1785.

to the auditor, and to his respective clerks, shall cease during the said four months; and also, that at the expiration of the said term a certificate shall be produced from his Excellency the Governor or Commander-in-chief, that all accounts which have been brought in to the auditor's office prior to the first day of October, one thousand seven hundred and eighty-four, or against the confiscated estates which are or shall be brought in prior to the twenty-sixth day of March, one thousand seven hundred and eighty-five, are audited.

Public offices  
to be superin-  
tended by the  
commissioners.

VI. *And be it further ordained* by the authority aforesaid, That the commissioners to be appointed as aforesaid are hereby authorized and required, during the recess of the Legislature, to superintend the public offices of this State, and to examine their books, and to direct the mode of keeping their accounts.

In the Senate House, the nineteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1277. *AN ORDINANCE* TO APPOINT ADDITIONAL COMMISSIONERS FOR THE PARISH CHURCH OF ST. JAMES, SANTEE.

Preamble.

WHEREAS, by an Act passed the twelfth day of April, one thousand seven hundred and sixty-eight, entitled "An Act for building a new church in the parish of St. James, Santee," seven commissioners were appointed, and vested with certain powers therein contained, and it was also thereby enacted, that in case of the death, absence, or refusal to act, of any of the said commissioners, the remaining commissioners, or any five of them, were authorized to nominate and appoint another person or persons to be commissioners in the room of such person or persons so dying, absents, or refusing to act; and whereas, four of the said commissioners have died since the commencement of the late war, and the remaining three are not empowered to name successors to them;

Commissioners  
appointed.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, in General Assembly now met and sitting, and by the authority of the same, That John Bowman, Thomas Horry, Samuel Warren, and John Buchanan, be, and they are hereby appointed, commissioners, in addition to the three surviving commissioners appointed by the said Act, and are hereby vested with the same power and authority as the said first appointed commissioners were by the said Act; and in case of the death, absence, or refusal to act, of any the said commissioners, the remaining commissioners, or the major part of them, shall and may, and they are hereby fully authorized and empowered to, nominate and appoint another person or persons to be commissioners in the room and place of such person or persons so dying, absents, or refusing to act; which person or persons so appointed shall have the same power and authority for putting

the said Act in execution as the commissioners therein first named and appointed. A. D. 1785.

In the Senate House, the nineteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*  
JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

AN ACT to incorporate the Vestries and Churchwardens of the Episcopal Churches in the parishes of St. Philip and St. Michael, in Charleston; and for other purposes. No. 1278.

(Passed March 24, 1785. *See last volume.*)

AN ACT FOR REGULATING THE INSPECTION AND EXPORTATION OF No. 1279.  
TOBACCO.

WHEREAS, it is necessary tobacco should be inspected before the same is sent to foreign markets, as well to prevent fraud between the buyer and seller, as to prevent that article (the growth of this State) from being brought into disrepute abroad; Preamble.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That proper warehouses shall be erected by the commissioners hereinafter to be appointed, where all tobacco, previous to its being exported or exposed to sale, shall be brought for inspection, and, after being passed, be deposited till called for exportation; which warehouses shall be established at the following places, that is to say—three warehouses in the city of Charleston, in such parts of the city as the commissioners shall think proper; one warehouse or warehouses at Georgetown; one warehouse at Beaufort; one warehouse or warehouses at Cheraw Hill; one warehouse or warehouses at Watboo Landing; one warehouse or warehouses at or near Friday's ferry, on the Congaree river; one warehouse or warehouses at Winnsborough; one warehouse or warehouses on the Wateree river, near Camden; one warehouse or warehouses at Campbell's warehouse, on Savannah river; and one warehouse or warehouses at Snow Hill, near the flats of the said Savannah river; one warehouse at the head of each fork of Edisto river; one warehouse or warehouses at Spring Hill, on Savannah river, at the plantation of Macartan Campbell. And where the proprietors of the lands at the above places shall refuse or neglect to erect such necessary buildings as the said commissioners hereinafter respectively appointed, or a majority of them, shall think necessary, they, the said commissioners, are hereby directed and required to cause the said warehouses to be built, of such sizes and dimensions as they may

Warehouses to be erected.

Where they are to be established.

A. D. 1785.

Rates of storage.

judge necessary; and to defray the expense, they are hereby empowered to take and receive from the inspector or inspectors, all such storage of tobacco as may hereinafter be imposed thereon; and the said inspector or inspectors are hereby directed to pay into the hands of such commissioners all such monies as shall arise from the storage of tobacco, where the said commissioners shall have built warehouses, twice a year, that is to say, in the months of May and November, which shall be done upon oath, until the expense of the said buildings are fully paid; and from thenceforward the proprietor shall be entitled to the said storage, he keeping the said warehouses in proper repair, and keeping a sufficient number of good and sufficient prizes for heading up the tobacco after it has been stripped for examination; but where any proprietor shall neglect or refuse to keep in repair prizes or proper screws for the above purpose, it shall and may be lawful for the inspector or inspectors to have a sufficient number of prizes erected, two at least of which at each warehouse shall be for the particular use of such planters as choose to cooper their own hogsheads; to defray the expense of which it shall and may be lawful for the inspector so providing to stop the first storage money that may come to hand, for that purpose.

Description of hogsheads.

Inspector's duty.

Proviso.

II. *And be it further enacted* by the authority aforesaid, That every tobacco hogshead shall be made of good, well-seasoned timber, the staves not exceeding four feet two inches in length, and the outside of the head shall not exceed thirty-three inches diameter, and shall be branded with the initials of the maker's name; and when brought to any of the aforesaid inspections the inspector shall cause the cask to be stripped off, weighed and marked, the tobacco carefully examined, broke, and samples drawn out in as many places as the inspector may think necessary, and if found good, sound, clean and merchantable, he shall cause the hogshead to be put on, coopered and headed up, in a secure and merchantable manner, at the owner's expense, for which the inspector or cooper, finding nails, shall charge the sum of one shilling and six pence, and no more; provided nevertheless, where any persons choose to cooper their own hogsheads, they shall be at liberty so to do, and shall be allowed the immediate use of a prize or screw for that purpose, without fee or reward; and every hogshead so examined and weighed, containing not less than nine hundred and fifty pounds of neat tobacco, shall be deemed a shipable hogshead, and a tender in all tobacco payments.

Unmerchantable tobacco to be burnt.

Places to be provided for packing away all parcels of tobacco.

III. *And be it further enacted* by the authority aforesaid, That where any hogshead or parcel of tobacco shall be brought to any of the aforesaid warehouses for view, and on examination it is found to be mixed with trash, dirt, unsound or unmerchantable tobacco, the inspector shall cause the same to be picked, and the trash, or bad and unmerchantable, shall be publicly burnt by the inspector, and such as is sound and merchantable the inspector shall weigh and receive, and give a note for the same.

IV. *And be it further enacted* by the authority aforesaid, That at each warehouse in the country there shall be places provided by the proprietor, or, on his refusal, by the inspector, the expense of which to be deducted out of the storage, a fit and a secure place for packing away all parcels of tobacco that may be brought for inspection; and the several inspectors are hereby directed and required to receive all such parcels as may be brought to them, and if found good, sound and clean, he shall weigh the same and have it put by in the place above described, for which he shall give a note specifying the name of the warehouse, the quantity, and that the bearer is entitled thereto; which said small parcels or light hogsheads the inspector shall cause to be prized in hogsheads not containing less than nine hundred

and fifty pounds; and on any person or person's producing small notes to the amount of nine hundred and fifty pounds neat, with the following allowance as a deduction for shrinkage in weight, he or she, on paying the fees hereinafter expressed, shall be entitled to receive a note or certificate for a crop hogshead, as an allowance for shrinkage; on all transfer notes brought in to be exchanged for crop hogsheads, the inspector shall deduct from all such as are exchanged within a month of their date two per cent. and for such as are brought in within two months of the date, and above one, four per cent., and so on, till it shall amount to eight per cent., and no more; and where any of such transfer tobacco, that shall have been inspected before the first day of the past August, shall lie in any of the aforesaid warehouses till the circuit court, in November, of the district in which the said warehouse is situate, and no note produced for the same, that then and at such circuit court the inspector shall cause the same to be sold at public sale, for cash; and the holders of notes for transfer tobacco, in any of the aforesaid warehouses in the country, after such sale, shall receive cash for the same, on producing the note to the inspector, at the rate the same was sold, with the deduction of ten per cent. for loss of weight and trouble of selling, receiving and paying.

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V. *And be it further enacted* by the authority aforesaid, That the inspectors at their several warehouses respectively shall receive each hogshead of tobacco so examined, passed, weighed and coopered, into their respective warehouses, and shall number and brand the same S. C. and mark on the staves thereof the gross, the tare, and the neat weight of tobacco contained therein, and shall deliver to the owner a note, wherein shall be expressed the planter's brand, the number, the river, and warehouse, the gross, tare and neat weight, and upon presenting which note the tobacco shall be delivered to the holder thereof for exportation.

Inspectors to  
give notes for  
tobacco  
received:

VI. *And be it further enacted* by the authority aforesaid, That when tobacco shall be delivered at any of the said warehouses to any flat or other craft, to be carried to and laden on board any ship or vessel bound to a foreign market, or to waggons, to be removed to Charleston, the inspector shall take up his note, and shall give a manifest of the tobacco so delivered, in which shall be expressed the name of the warehouse, and shall run in the following words: "Delivered the ——— day of ———, 17—, to A. B. patroon of the boat C, ——— hogsheads of tobacco, marks, weights and numbers as per margin, to go on board the ship (or other vessel, as the case may be) E, for exportation." When removed by a waggon a blank shall be left for the shipper to insert the name of the vessel; the shipper's mark and number shall also be inserted in the face of the manifest, by the inspector, when known, but when it is otherwise a blank column shall be left for that purpose, and to be filled up by the shipper; and each captain or master of a vessel lading tobacco on board for exportation, shall safely keep those inspector's manifests till he has his intended complement on board, and shall then make a general one of his cargo, which shall be produced to the collector of the port before the vessel obtains a clearance to sail; which general manifest the collector of the port shall compare with the inspector's, and if found to agree with the inspector's several manifests, shall be filed in the office; and the following oath shall be administered to the captain or mate: "I, A B, do solemnly swear or affirm that I have no other tobacco on board the ship or vessel called the ———, than what is in this manifest now by me produced expressed, neither shall any more be laden on board the said vessel for the present voyage by my knowledge or procurement: So help me God." And if any person shall be convicted of having knowingly taken a false oath or

And manifests  
of tobacco de-  
livered out of  
warehouses.

A. D. 1785.

affirmation in this respect, such person shall suffer as in cases of wilful and corrupt perjury.

Penalty when tobacco is found on board of any vessel for exportation without an Inspector's manifest.

VII. *And be it further enacted* by the authority aforesaid, That if any tobacco shall be found on board any ship or vessel bound to a foreign market, for which no inspector's manifest can be produced, the same shall be confiscated, and the captain or master of the vessel shall be subject to a fine of five pounds sterling for each hundred weight, and in proportion for a greater or lesser quantity, one half to the informer and the other half to the State, and to be recovered in any court of record in the State; or if any captain or master of any vessel, after producing his manifest to the officer of the customs, taking the oath, and obtaining his clearance, shall be convicted of receiving any tobacco on board besides what he has expressed in the said manifest, he shall forfeit double the sum aforesaid, and shall be liable to a prosecution for wilful and corrupt perjury.

Unmerchantable tobacco to be burnt within 12 hours after condemnation.

VIII. *And be it further enacted* by the authority aforesaid, That all trashy, unmerchantable tobacco, that may, after the passing of this Act, be condemned by any of the inspectors respectively, the inspectors shall see that it be burnt within twelve hours after such condemnation, and on neglecting so to do he shall forfeit and pay for each hundred pounds weight the sum of five pounds sterling, one half to the informer and the other half to the State, to be recovered as is hereinbefore directed.

Inspectors to keep sufficient scales and weights at their own expense.

IX. *And be it further enacted* by the authority aforesaid, That every set of inspectors respectively shall provide and keep in good repair, at their respective warehouses, good and sufficient scales and weights, at their own expense, prizes, and other implements necessary for the inspection of tobacco, the expense of which to be defrayed as is hereinbefore directed, and on failure thereof shall be subject to a forfeit of ten shillings sterling per day, to be recovered by the person or persons aggrieved, before any justice of the peace of this State; and each inspector shall enter in a book, to be kept for that purpose, the number of each hogshead, the gross, tare, and neat weight, the maker's name, and to whom the same was delivered for exportation, and when; and where warehouses have been built by commissioners, the inspector or inspectors shall account with such commissioners and pay into their hands the storeage money, twice a year, as is hereinbefore directed; and where necessary buildings shall have been prepared by the proprietors, they shall account with the proprietors in like manner; and either may demand and have a sight of the inspectors' books, if it shall be judged necessary.

Inspector's fees.

X. *And be it further enacted* by the authority aforesaid, That at every inspection in the country the inspector shall be allowed to take and receive for inspecting every hogshead of tobacco, weighing, branding and giving a note, the sum of three shillings sterling, to be paid by the person to whom the same shall be delivered for exportation; for prizing every hogshead made up of small parcels, the sum of four shillings and eight pence, to be paid by the person receiving a note for the same; for the hogshead, if found by the inspector, the sum of five shillings; for inspecting, weighing, branding, and giving a note, at each of the inspections in Charleston, the sum of three shillings, to be paid as is hereinbefore directed, by the exporters; for prizing every hogshead made up of parcels, in Charleston, the sum of six shillings; and for a hogshead, if found, the sum of seven shillings, to be paid as is above directed.

Pickers to be appointed.

XI. *And be it further enacted* by the authority aforesaid, That at each of the inspections respectively there shall be one or more picker or pickers, who shall be approved of by the commissioners hereinafter to be named, and shall act upon oath, and be sworn by the said commissioners:

for picking, they shall be allowed an eighth part out of the first six hundred weight, and five per cent. for all above that quantity that may be saved out of any hogshead of tobacco by him or them picked.

A. D. 1785.

XII. *And be it further enacted* by the authority aforesaid, That every hogshead of tobacco inspected at any of the aforesaid warehouses in the country shall be subject to a storage of one shilling, and at either of the inspections in Charleston the sum of six pence per hogshead, per week, to be paid by the person to whom the tobacco is delivered for exportation, to the inspectors respectively, who shall apply and account for it as is hereinbefore directed.

Storage.

XIII. *And be it further enacted* by the authority aforesaid, That the following persons shall be commissioners at the respective places before mentioned, and shall be, and they are hereby, appointed and empowered to carry this Act into effectual execution; that is to say, for the inspections at the city of Charleston, the City Council; for the inspection at Georgetown, Job Rothmahler, John Cogdell and Daniel Tucker, Esquires; for the inspection at Beaufort, John Joyner, William Hazard Wigg and Robert Barnwell, Esqs.; for the inspection of Cheraw Hill, Benjamin Hicks, senior, John Westfield and William Ellerby, senior; for the inspection at Watboo Landing, Maurice Simmons, Samuel Cordes and Zachariah Villepoux, Esqs.; for the inspection at Friday's ferry, Congaree river, Thomas Taylor, Wade Hampton and Uriah Goodwin, Esqs.; for the inspection near Camden, Wateree, John Chesnut, Esq. Mr. William Willis and John Galbraith; for the inspection at Winnsborough, John Winn, Richard Winn and Henry Hampton, Esqs.; for the inspection at Campbell's warehouse, Savannah river, Arthur Simkins, Esq. Messrs. John Ryan and John Herdon; for the inspection at Snow Hill, Leroy Hammond and Hugh Middleton, Esqs., and Mr. John Carter; for the inspection at the north fork of Edisto, Robert Stark, Jacob Smith and Lewis Watson, Esqs; for the inspection at the south fork of Edisto, Joseph Turner, Daniel Green and James Fair. Which said commissioners shall have full power and authority to nominate and appoint the several inspectors at the several warehouses hereinbefore mentioned; which appointment shall consist of one at each warehouse in the country, to attend constantly, when able, and one to attend occasionally, in case of the other's sickness or other inability, to attend and be called upon when any person may think himself aggrieved by the condemnation of any tobacco to be burnt; and one at each inspection in the city of Charleston: and each inspector, so appointed, shall give bond, with good, substantial security, to be approved of by the respective commissioners, in the sum of one thousand pounds sterling, conditioned for the well and faithful discharge of his duty, and made payable to the treasurers of this State, which bond shall be taken by the respective commissioners and by them lodged in the treasurer's office; and if any of the said inspectors shall neglect to give proper attendance at all reasonable hours, or shall be guilty of any mal-practices, each inspector so offending may be removed at the pleasure of the commissioners who appointed him, and such commissioners shall have power and authority to appoint another in his room; provided, that no such removal shall be lawful unless such inspector hath liberty to make his defence, and an opportunity given him to disprove the charges on which such removal is sought for.

Commissioners appointed to carry this Act into execution.

Commissioners are empowered to nominate the inspectors.

Inspectors to give bond and security.

XIV. *And be it further enacted* by the authority aforesaid, That where tobacco, at any of the inspections in this Act before directed, shall be adjudged by the inspector to be unmerchantable, and by him condemned to be picked or burnt, and the owner shall think himself aggrieved thereby, if at any warehouses out of Charleston, he shall have liberty to call on

Proceedings in case of unmerchantable tobacco.

A. D. 1785.

the inspector who is appointed to attend such warehouses, in case of the other's inability, to review the same, and in case of their disagreeing, one of the commissioners shall decide; and if in Charleston, an inspector at one of the other inspections in the city shall be called on for the above purpose, and in case of disagreement the third shall decide the same before it shall be burnt; and such occasional or other inspector or commissioner being called on shall attend for that purpose, and if in their opinion such tobacco shall be thought merchantable, it shall pass, and the inspector who refused the same shall pay to the inspector so attending the fees allowed for inspection; but if the first sentence is confirmed, the owner of such refused tobacco shall pay the inspector called on one dollar for each hogshead so reviewed, for his trouble in attending for that purpose.

The oath of an inspector.

XV. *And be it further enacted* by the authority aforesaid, That each inspector, previous to his entering on the said office, shall take the following oath or affirmation, before the commissioners by whom he is appointed, and who are hereby empowered to administer the same, to wit: "I, A B, do sincerely promise and swear (or affirm, as the case may be) that I will well and faithfully inspect all tobacco that shall be brought to me for that purpose, without partiality, favor or affection, according to the best of my judgment; and that I will not, by myself or by any other person employed by or for me, be concerned either directly or indirectly in the purchase or sale of any tobacco whatsoever, during my holding the office of inspector, my own crop only excepted."

Tobacco not entered and cleared shall be forfeited to the State.

XVI. *And be it further enacted* by the authority aforesaid, That if any captain or commander of any ship or other vessel shall presume to sail from any port within this State, for any port not within this State, after the passing of this Act, having tobacco on board not entered and cleared, as is hereinbefore directed, all such tobacco shall be forfeited to the State, and shall be seized and sold for the benefit of the same, and the captain or commander shall be fined in the sum of five pounds sterling for each hundred pounds, to be recovered and applied as hereinbefore directed.

Penalty where tobacco is removed before the bad is burnt.

XVII. *And be it further enacted* by the authority aforesaid, That when tobacco shall be offered to view, at any of the inspections hereinbefore directed, which shall be refused by the inspector as unmerchantable, any person or persons removing the same before the bad and unmerchantable is burnt, as is hereinbefore directed, shall, upon conviction, forfeit and pay the sum of five pounds sterling for every hundred weight so carried away, one half to the informer and the other half to the use of the State, to be recovered as is hereinbefore directed.

Penalty for changing the casks or the tobacco.

XVIII. *And be it further enacted* by the authority aforesaid, That when tobacco shall be delivered at any of the aforesaid inspections for transportation, and the person to whom the same is delivered, or in whose care it may be, shall change the cask in which it was delivered and put other tobacco therein, or suffer any part to be taken out and other tobacco put in, not the contents of the cask when delivered, the person or persons so offending shall, upon conviction, pay a fine of fifteen pounds sterling, and suffer three months imprisonment, without bail or mainprize.

Penalty for counterfeiting notes or manifests.

XIX. *And be it further enacted* by the authority aforesaid, That if any person shall erase, alter or counterfeit any note or manifest of tobacco, given by any inspector of tobacco within this State, or shall utter, in payment or barter, any such note or manifest, knowing the same to be counterfeit, every such person shall, on conviction, suffer death.

XX. *And be it further enacted* by the authority aforesaid, That all other Acts within the purview of this Act are hereby repealed. A. D. 1785.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

AN ACT FOR REPEALING AN ACT ENTITLED "*An Act for disposing of certain Estates and banishing certain persons therein mentioned,*" SO FAR AS RELATES TO THE ESTATE OF EDWARD FENWICK. No. 1280.

WHEREAS, by an Act entitled "*An Act for disposing of certain estates and banishing certain persons therein mentioned,*" the estate of Edward Fenwick was confiscated and forfeited to the use of this State; and whereas, it is found necessary to repeal as much of the said Act so far as relates to the estate of the said Edward Fenwick: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That so much of the said Act as relates to the estate of the said Edward Fenwick, be, and it is hereby, repealed, to all intents and purposes. Part of a former Act repealed.

II. *And be it further enacted* by the authority aforesaid, That all the estate, real and personal, of the said Edward Fenwick, is hereby taken from and divested out of the commissioners of forfeited estates, and restored to and revested in him and his heirs, in the same manner and for the same use and behoof as he, the said Edward Fenwick, was seized or possessed of the same before the passing of the said Act. Estate of Edw. Fenwick restored to him and his heirs.

III. *And be it further enacted* by the authority aforesaid, That the said Edward Fenwick be, and he is hereby, permitted to remain in this State twelve months, and no longer, from and after the passing of this Act. Said Fenwick permitted to remain in the State 1 year.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

AN ACT for establishing County Courts, and for regulating the proceedings therein. No. 1281.

(Passed March 24, 1785. See last volume.)

A. D. 1785.

No. 1282. AN ACT for keeping in repair the several Roads and Bridges throughout this State; and for laying out the several new Roads and Ferries therein mentioned.

(Passed March 24, 1785. See last volume.)

No. 1283. AN ACT FOR VESTING IN AARON GILLET AND HIS HEIRS, FOREVER, A TRACT OF LAND, NEAR BOGGY GUT; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, Aaron Gillet did, in his petition to the House of Representatives, set forth that he had, at a very considerable expense, erected two saw-mills and a grist-mill on a branch called Boggy Gut, and cleared out the said gut, and surveyed six thousand acres of vacant pine barren land, adjoining the tract he at present possesses, on the said branch, and did therefore pray that the said lands might be vested in him and his heirs forever :

A tract of land  
vested in  
Aaron Gillet.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, That from and immediately after the passing of this Act the said tract of six thousand acres shall be, and is hereby, vested in Aaron Gillet and his heirs, in fee simple, on his paying to the commissioners of the treasury such value for the same as is fixed by an Act entitled "An Act for establishing the mode and conditions of surveying and granting the vacant lands within this State."

Penalty on ob-  
structing the  
navigation of  
Boggy Gut.

II. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons, on any pretence whatsoever, to obstruct in any manner the navigation of the said Boggy Gut; and in case any person or persons shall obstruct the said navigation, he, she or they shall, and are hereby declared liable to, pay the sum of one hundred pounds, to be recovered at the next ensuing circuit or county court, and paid into the treasury, for the public service.

III. *And be it further enacted* by the authority aforesaid, That if any mill shall be erected on any part of the said Boggy Gut, which is navigable, a space or lock of twenty-four feet on the Three Runs, as high up as it is navigable, shall be left for the convenient passing and repassing of all boats and rafts which shall be navigated in the said Gut and Three Runs.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1785.

AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE. No. 1284.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State for the use and service thereof;

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and the honorable the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by authority of the same, That the sum of one per centum ad valorem, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, (that is to say,) 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds; all tide swamp of the second quality, four pounds; of the third quality, two pounds; all pine barren lands adjoining such swamp, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings; all prime inland swamp, cultivated and uncultivated, at an average of three pounds; second quality, ditto, two pounds; third quality, ditto, one pound; pine barren lands adjoining or contiguous thereto, at five shillings; saltmarsh or inland swamp clearly proved to the assessors to be incapable of immediate cultivation, at five shillings. 2. High river swamp or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saludy rivers, on the Congaree, Graves's Ford, on the Wateree, and the boundary line on Pedee; the first quality at three pounds; second quality at two pounds; third quality at one pound; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings. 3. All high river swamp or low grounds lying above Snow Hill, the fork of Broad and Saludy rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island and James's island, and on the main within twenty miles of Charleston, at one pound. - 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn or indigo, and not within the limits prescribed in class No. 4, at one pound. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saludy rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, No. 4 and 5, fifteen shillings. 7. All pine barren lands not included in classes No. 1, 4, and 5, to be assessed at one shilling. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saludy rivers, and Graves's Ford, the first quality, eight shillings; the second quality, five shillings; the third quality, two shillings. 9. All oak and hickory high lands above the old Indian boundary, the first quality six shillings; the second quality, three shillings; the third quality, one shilling. That all lands within the parishes of St. Philip and St. Michael, shall be assessed in the same manner, and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country.

Rate of taxation on lands.

A. D. 1785.

Rate of taxing  
slaves, &c.Persons  
exempted.

Proviso:

Special indents  
to be emitted.

II. *And be it further enacted* by the authority aforesaid, That the sum of nine shillings and four pence sterling shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of one per cent. on every hundred pounds value of every lot, wharf, or other lands, and on all buildings within the limits of any town, village, or borough, in this State; and the sum of nine shillings and four pence upon each wheel of every carriage, except wagons, carts, and drays; and the sum of nine shillings and four pence upon all free negroes, mulattoes, and mustizoes, from sixteen to fifty years of age, who pay no other part of the taxes imposed by this Act; and the sum of one per cent. upon every hundred pounds of every person's stock in trade, of persons in trade, shopkeepers and others; and the like sum of one per cent. on the profits of faculties and professions, (the clergy, schoolmasters, and schoolmistresses, excepted,) factorage employments and handicraft trades, throughout this State; to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information; and one-half per centum on all bonds or obligations bearing interest since the first day of January, one thousand seven hundred and eighty-three, over and above what a person pays interest for: Provided, that no tax shall be paid on the interest of money due from the public, or money due to any church, charitable or incorporated society, or in cases of debts due before the said day, where the bonds or obligations for the same have been renewed, or upon such bonds or obligations as the holders thereof shall swear to the best of his belief to be bad and irrecoverable.

III. *And be it further enacted* by the authority aforesaid, That to facilitate the payment of the taxes hereby imposed, immediately after the passing of this Act special indents to the amount of eighty-three thousand one hundred and eighty-four pounds be emitted, in the following words: "Pursuant to the Act for raising supplies for the year one thousand seven hundred and eighty-five, this special indent of — shall be received in payment of taxes for the year one thousand seven hundred and eighty-five, and as far as one third of all duties due to the State for merchandise or negroes entered at the treasury after the first day of March, one thousand seven hundred and eighty-five; or exchanged at the treasury for gold or silver, on the first day of May, one thousand seven hundred and eighty-six;" which special indents are to be of the following denomination, viz.

Two thousand of twenty pounds, forty thousand pounds;  
Two thousand of ten pounds, twenty thousand pounds;  
Two thousand of five pounds, ten thousand pounds;  
Two thousand of three pounds, six thousand pounds;  
Two thousand of one pound ten shillings, three thousand pounds;  
Two thousand of one pound, two thousand pounds;  
Two thousand of ten shillings, one thousand pounds;  
Three thousand seven hundred and thirty-six, of five shillings, nine hundred and thirty-four pounds;  
Two thousand of two shillings and six pence, two hundred and fifty pounds;

Nineteen thousand seven hundred and thirty-six, eighty-three thousand one hundred and eighty-four pounds;

And be printed in the presence of, and under the direction of, John Newfville, junior, Robert Dewar, Thomas Ogier, and M. Cartan Campbell, and with such devices as they, or any of them, shall direct, and be countersigned by one of the commissioners of the treasury, and delivered by them to the holders of indents, their agents or attorneys, to the amount of one year's interest on the principal of each and every indent, on their

application, any time after the first day of April next ensuing; and on the receipt of these special indents, a receipt shall be endorsed on the principal indents respectively, for one year's interest due, or to be due; and these special indents shall be issued from the treasury on no other occasion than on the application of the holders of indents as aforesaid; and after being issued to the holders of indents, they shall be received by the collectors and treasurers in payment of taxes for the year one thousand seven hundred and eighty-five, and also in discharge of one-third of the duties imposed on negroes or merchandise, entered with the treasurers after the first day of March, one thousand seven hundred and eighty-five; and after they are once paid into the treasury they shall never be re-issued, but be crossed with a pen by the treasurers, and filed; and if they shall not be paid into the treasury on or before the first day of May, one thousand seven hundred and eighty-six, the treasurers shall exchange such of them as shall be presented to them, for gold or silver, out of any moneys in the treasury over and above what may be sufficient to pay the civil list and the interest of the foreign debt of this State; and the treasurers shall give public notice to the holders of these special indents, that if they are not presented for exchange within six months after the first day of May, one thousand seven hundred and eighty-six, they shall not be redeemed after that period.

A.D. 1785.

Indents paid  
into the trea-  
sury not to be  
re-issued.

IV. *Be it enacted* by the authority aforesaid, That the moneys now due, or which shall become due, to the State for duties on negroes, goods, wares, and merchandise, entered at the treasury before the first day of March, one thousand seven hundred and eighty-five, are hereby appropriated, first to the payment of the civil list; secondly, of the interest of the foreign debt; thirdly, to the interest of the domestic debt.

V. *Be it enacted* by the authority aforesaid, That whosoever shall alter, erase, or counterfeit, any of the special indents to be emitted as aforesaid, or shall pass, or offer to pass, any of them, knowing them to be altered, erased, or counterfeited, shall, on conviction thereof, suffer death without benefit of clergy.

Death to coun-  
terfeit.

VI. *And be it further enacted* by the authority aforesaid, That the several persons hereinafter named shall be inquirers, assessors, and collectors, for the several parishes and districts hereinafter mentioned, viz. for the parish of Christ Church, Thomas Barksdale, William Capers, and Jacob Bond I'On; for the parish of St. James, Goose Creek, John Deas, junior, Major Robert Thanley, and Henry Gray; for the parish of St. John, (Berkley county,) Thomas Giles, Daniel Ravenel and John Hart; for the parish of St. George, Dorchester, John Lynes, Morton Waring, and Andrew Hall; for the parish of St. Thomas and St. Dennis, Hopson Pinckney, Thomas Carwon, and Daniel Lesseesne; for the parish of St. Andrew, (James's Island excepted,) Thomas Drayton, senior, William Miles, and John Freazer; for that part of the parish called James's Island, Archibald Scott, Joseph Rivers, and Gracia Rivers; for the parish of St. John, Colleton county, viz. for John's Island, Captain James Witter; for Wadmelaw, Richard Muncrief, junior; for Edisto Island, John Hanahan; for the parish of St. Paul, that is to say, for the south side of Cacaw swamp, as far as Colonel Skirving's, and thence along the main road to Jacksonborough, Pon Pon, Wiltown, and Togodo, Thomas Farr, junior, Nathaniel Farr, and Paul Hamilton; and for the north side of the swamp, Beach Hill, and Horse Savannah, in the said parish, Robert Miles, Edward Perry, and John Miles; for the parish of Saint Bartholomew, Doctor James Perry, Richard Woodcraft, Peter Youngblood, James Culliat, and Isaac Youngblood; for the upper district of Saint Bartholomew, viz. the northwest of

Inquirers and  
collectors  
appointed.

A. D. 1785.

Black Creek and the main waters of the Great swamp, directly across to Pon Pon river, William Scott, William Hullson, and Christopher Langley; for Combahee, and Chehaw, in the said parish, Edmund Bellenger, Charles Skirving, and James Hamilton, of Saltcatcher; for the parish of St. James, Santee, John Blake, John Buchanan, and Henry Hughes; for the parish of St. Stephen, Peter Porcher, John Palmer, and Thomas Cooper; for the parish of Prince George, Winyaw, John Sheckelford, Mark Higgins, junior, James Grier, Joseph Graves, and Philip Bethia; for the parish of All Saints, Jehu Postell, David Graham, and Samuel Price; for the parish of St. David, William Thomas, William Strother, David Perkins, Elias Dubose, John McCall, and Moses Pearson; for the parish of Prince Frederick, Thomas Potts, senior, Anthony White, junior, and William Frierson.

Inquirers for  
the district be-  
tween Orange-  
burgh and  
Charleston.

VII. Whereas, doubts have arisen to what parish or district the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts belong; *Be it therefore enacted* by the authority aforesaid, that the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts, shall be considered as belonging to the parish of St. Matthew, and the inquirers, assessors, and collectors of the parish of St. Matthew, are hereby required and authorized to demand and recover the taxes from the inhabitants residing in the limits aforesaid, imposed by this law, and also all arrears of taxes that may be due from them for the years one thousand seven hundred and eighty-three and four; for the parish of Saint Helena, Port Royal, John Cole, William Norton, and Robert Barnwell; for the parish of St. Peter, Purysburgh, Joachim Hartstone, John Chisolme, Samuel Maner, and David Sauscie; for the parish of Prince William, John Heyward, John Alexander Cuthbert, Thomas Hutson, and Thomas Hamilton; for the district to the eastward of the Wateree, John Cantey, Thomas Roche, Samuel Little, William Brunson, William Richardson, William Bracey, William Wright, John Burgess, Roger Bradley, William Lang, Glass Caston, Charles Miller, James Craige, Benjamin Hail, Thomas Ballard, William Boyakin, and John Millhouse; for the district of Ninety-Six, John Statznaser, Henry Ware, Solomon Pope, Edmund Martin, Patrick Calhoun, Hugh Wardlaw, William Moore, William Hulton, and John Luckie; for the district of Saxe Gotha, Jonas Beard, Daniel Tateman, and John James Haig; for the district between Broad and Saluda rivers, in three divisions, viz. the lower district, William Wadlington, William Melon, Thomas Gordon, and John Kenley; the Little river district, George Anderson, Charles Smith, Andrew Rogers, William Caldwell, Angus Campbell, Charles Sullivan, Andrew Berry, and Thomas Blassingham; the upper district, John Hail, William Kennedy, Samuel Otterson, Nathaniel Jefferson, William Wood, William Benson, Samuel Lancaster, Henry White, and James Jordan; for the district between Broad and Catawba rivers, Joel McLemore, Uriah Goodwyn, Arthur Brown Ross, William Myers, John Cooke, James Peden, Patrick McGriff, Hugh Knox, Zachariah Kirkland, John Gray, Charles Pickett, William Kirkland, Thomas Harbert, William Goodwyn, Joseph Timms, Anderson Thomas, and Samuel Neely; for the district called the New Acquisition, Moses Ferguson, Captain James Thompson, James Wilson, William Moore, and Captain James Wilson; for the district between Savannah and the north fork of Edisto, William Holmes, Absalom Best, James Fair, and Joseph Harley.

VIII. *And be it further enacted* by the authority aforesaid, That Peter Bacot, Edward Treescott, and William Roper, be, and they are hereby

appointed, inquirers, assessors, and collectors, for the parishes of St. Philip and St. Michael, Charleston. A.D. 1785.

IX. *And be it further enacted* by the authority aforesaid, That every assessor and collector of the several taxes imposed by this Act, shall, before he enters on the execution of his said office, before some one of the judges of this State, or some one justice of the peace, take the following oath, viz. "I, A B, do solemnly promise and swear that I will, to the best of my knowledge, skill, and judgment, ascertain the several qualities of the lands lying and being within the —, where I am appointed assessor, and where no returns of the qualities of the same shall have been made; and that I will not for any fee or reward, favor, partiality, self-interest, malice, or hatred, in favor of or against any person or persons whatsoever, assign any other quality to such lands than in truth and good conscience they shall appear to me to deserve; and that I will impartially assess all other property and professions by this Act directed to be assessed, to the best of my judgment, according to the true intent and meaning thereof. So help me God." And if any assessor shall presume to execute the said office without having taken the said oath, such assessor shall forfeit and pay the sum of five hundred pounds sterling, to be recovered by any person who shall inform and sue for the same, by action of debt in the court of common pleas.

Inquirers, &c.  
for St. Philip &  
St. Michael.

Oath of assessors and collectors.

X. *And be it further enacted* by the authority aforesaid, That the inquirers, assessors, and collectors of the parishes of St. Philip and St. Michael, or any one or more of them, are hereby ordered and directed, on or before the first Monday in October next, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they shall go to the said houses, and inquire into, and take an account of, all the real estates, and particularly in what parts of the said parishes the lands are situated, and of the slaves, and other taxable property of the said inhabitants which they shall be possessed of, interested in, or entitled unto, in their own right, or in the right of any other person whatsoever; and the inquirers in the other parishes and districts shall fix on some convenient place to receive returns, of which they shall give at least three weeks public notice.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

XI. *And be it further enacted* by the authority aforesaid, That all persons living within this State, who are possessed of any lands, slaves, carriages, or moneys at interest, (wagons, carts, and drays excepted, lands whereon any churches or other buildings for divine worship, or for free schools, are erected and built, and all slaves appurtenant to, or going with, such churches or lands, and all moneys appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person or persons who are liable to pay any other tax by virtue of this Act, shall return a particular account thereof in writing, to the inquirers, at such time and place as the said inquirers, or any of them, shall appoint for the doing thereof, so that the same be done on or before the first Monday in November, which shall contain an enumeration of each lot of land, with the dimensions of, and improvements thereon, and of his lands, with a particular account of the situation, quantity, and quality, of the same, and also the number of slaves, and the number of wheels of every riding carriage belonging to the person making the return, which shall be attested in the words following: "I, A B, do swear, (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the said lands, slaves, and riding carriages, and moneys at interest, as are directed to be taxed by this Act, which I am possessed of, interested in, or entitled unto, either in my own right or in the right of

Persons to make return of their property.

Form of the oath.

A. D. 1785.

any other person or persons whatsoever, as guardian, executor, attorney, agent, or trustee, or in any other manner whatever, according to the best of my knowledge and belief, and that I will give a just and true answer, according to the best of my knowledge, to all questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation, the several inquirers and collectors appointed by this Act are hereby duly authorized, enjoined, and required to administer; which returns shall be made to the inquirers and collectors for the parish or district respectively, where the person making the return lives the greatest part of the year.

Ratio fixed in  
case of impro-  
per returns.

XII. *And be it further enacted* by the authority aforesaid, That where inquirers receive returns of land, without specification of the parish or district in which they lie, or of lands lying in the parish or district of which the person who receives the return is the assessor, and the qualities of which are unknown to the person making the return, the inquirers who receive such returns shall, in both cases, value the lands so returned at not less than one shilling, nor more than six pounds per acre, according to the best information they can get of the quality and situation of the land so returned.

Assessors to  
publish their  
calculations.

XIII. *And be it further enacted* by the authority aforesaid, That any two of the assessors appointed in the parishes of St. Philip and St. Michael, shall be a quorum, and the said assessors shall complete their calculations of the value of estates in the said parishes, on or before the fifth day of December, and within seven days after they shall cause a duplicate thereof to be posted at the Exchange, in Charleston, for ten days, of which they shall give previous notice in the Gazette.

Persons over-  
rated may  
swear off the  
overplus.

XIV. *And be it further enacted* by the authority aforesaid, That every person who shall have reason to believe he or she is overrated, or whose attorney or attorneys shall have reason to believe he or she is overrated by such assessors, shall, at the time of payment of his or her tax, be allowed to swear off so much as he, she, or they, or his or their attorney or attorneys, shall think they are overrated, before the assessors or collectors as aforesaid, and the said assessors and collectors, and any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

Taxes on real  
estate, &c.  
when to be  
paid.

XV. *And be it further enacted* by the authority aforesaid, That all persons whosoever, any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first day of March next, and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt; and the said inquirers, assessors, and collectors for the several parishes respectively, within this State, shall close their accounts with the treasurers on or before the first day of May, one thousand seven hundred and eighty-six; and at the closing of their accounts they shall exhibit two lists, one containing all the taxable property returned to them, annexed to the names of the persons who returned the same, with the sums paid by them respectively; a second, all the taxable property lying or being in the parish or district which has come to their knowledge, and which has not been returned; which lists shall be given to the treasurers, and their accounts closed on oath in the following words: "I, A B, do swear (or affirm, as the case may be,) that the accounts I now give in, and the lists I now return, are just and true, according to the best of my knowledge, and that I have used all legal means in my power to obtain payment of the taxes imposed by this Act, in the parish or district in which I have been appointed inquirer, assessor, or collector;" which oath the treasurers, or either of them, are

Oath.

hereby empowered and required to administer; after taking this oath, the collector shall pay to the treasurers all such moneys or special indents as shall be by them respectively received, after retaining three per centum for all such moneys or such special indents, paid by the country collectors, and one and a half per centum for all moneys or special indents paid by the collectors of Charleston; and the inquirers, assessors, and collectors, for each parish and district, shall make their return of such parish or district respectively, to the treasurers, at one and the same time; and the collectors for each parish or district shall give an account in writing, upon oath as aforesaid, of their own lands and slaves, after the manner aforesaid, to the said commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

A. D. 1785.

XVI. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of slaves, riding carriages, or moneys at interest, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so concealed. Penalty on concealment

XVII. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of the lands and slaves, or other taxable property, to the inquirers, assessors, and collectors aforesaid, respectively, at such time and place as they shall appoint, or agreeable to this Act, or by the first Monday in November next, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands or slaves, or other taxable property, according to the best information the inquirers can get of his or her taxable property. When deemed a defaulter.

XVIII. *And be it further enacted* by the authority aforesaid, That in case any person whosoever shall neglect or refuse to pay in his, her, or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall immediately hang up for ten days a list of defaulters at the State House, in Charleston, and some public place in the respective parishes or districts in the country, and if the taxes are not paid within these ten days, they shall, without farther delay, levy the same by virtue of a warrant by them, or any of them, to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest the place where such defaulter lives or resides, requiring him to levy the same by distress and sale of the defaulter's goods for special indents or specie, returning the overplus, if any there be, to the defaulters, upon deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the moneys so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter, and convey him to the common gaol in the district where such defaulter resides, which warrant shall run in these words, *mutatis mutandis*, viz. " —, collectors of the general tax for the parish or precinct of —. To —, constable for the parish or precinct of —, or to the sheriff — district, in the State of South Carolina, or to his lawful deputy. Whereas, — hath been duly assessed by us, the subscribers, collectors of the tax for the parish or precinct of —, the sum of — for defraying the charges of the — which — hath neglected to pay; these are, therefore, in the name of the State, strictly to charge and command you to levy by distress and sale of the goods and chattels of the said — the sum of —, together with the charges thereof; and in case the said — shall refuse or neglect to produce goods and chattels sufficient to levy the said distress, and the charges Warrants to be issued against defaulters.

Form of the warrant.

A. D. 1783.

thereon, that then you take the body of the said — and convey — to the common gaol in the district; commanding you, the keeper of the said gaol, to detain the body of the said — in your custody until — shall pay the sum of —, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals this — day of — Anno Domini —." And the sheriff to whom such warrant shall be directed shall detain such person in the gaol aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be satisfied; and the constable and constables to whom such warrant shall be directed, shall take from the defaulter the following fees, in the execution of their office, viz. for serving every execution, four shillings and eight pence sterling; and for all sums to be levied as aforesaid, five per cent., and no mileage, or any other fee whatever; and the assessors or collectors respectively, for every such warrant he or they shall issue, shall have from such defaulter one shilling and six pence sterling.

Fees of constables, &c.

Penalty on neglect to make return or pay tax.

XIX. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid, of his or her estate, to the said inquirers and collectors, by the time limited by this Act, or shall omit or neglect to pay either his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney, or trustee, by the time limited, the said collectors respectively, where such taxable persons lives, are hereby empowered and required to issue their warrant in the same manner as above directed; and in case the said assessors and collectors shall not have just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated; and such person shall be dealt with in all other respects as a defaulter.

Taxables dying or departing.

XX. *And be it further enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors, and the paying of his or her tax, and any goods or chattels of the deceased to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages, and debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate to the inquirers or collectors as aforesaid and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons will find sureties, to be approved of by the assessors and collectors, for the payment thereof at the time appointed.

Penalty on officers for neglect.

XXI. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds sterling; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall,

for every such neglect or refusal, forfeit the sum of three hundred pounds sterling, to be sued for by the commissioners of the treasury for the use of this State, or by any other person or persons who will sue for and recover the same, the one-half to such person or persons, and the other half to the use of this State.

A. D. 1785.

XXII. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes shall neglect or refuse to give in upon oath to the commissioners of the treasury a just and true account of all moneys received by him or them, or due to the State on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under their hand and seal, to commit such assessor or collector to the common gaol in the district wherein he resides, there to remain without bail or mainprize until he or they shall have rendered, upon oath to be taken before one of the justices of the peace, a full and satisfactory account of, and shall have paid, all such sums so as aforesaid by him or them collected during the time that he or they were collectors, and shall have given in to the commissioners of the treasury an account of all moneys received by him, which are due to this State, by virtue of this or any former tax Act, and the reasonable charges of such commitment.

Penalty on collectors for default.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, assessors, and collectors before mentioned, should happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the Governor or Commander-in-chief for the time being is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of his parish or district; and the person or persons so appointed, shall have the same powers and be under the same penalties as the inquirers, assessors, and collectors hereby nominated.

Vacancies how to be filled.

XXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any one of them, be, and they are hereby, empowered and required to grant executions against all former constables and collectors of taxes; except the collectors and inhabitants of those parishes or districts who have not received their special indents, who shall have credit until two months after the special indents are issued to the inhabitants, or until the first day of October next, for the payment of the tax of 1784: provided, that such collectors satisfy the treasurers that the deficiency of their collection of the tax arises from the inhabitants of the several parishes and districts not having as yet received their special indents; and all persons in arrears for taxes; and against all assessors and collectors of the present tax hereby imposed if the same shall not be paid on or before the time is elapsed for paying the same; and he or they is and are hereby directed and required to prosecute all and every person or persons whatsoever neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same, for any such refusal or neglect.

Commissioners of the treasury to compel payment of arrears.

Proviso.

XXV. *And be it further enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be

Persons may plead the general issue.

A. D. 1735.

lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

Special indents  
to be issued to  
officers and  
soldiers.

XXVI. *And be it further enacted* by the authority aforesaid, That the treasurers shall be, and they are hereby, directed to issue special indents for one year's interest, on what may be due to the late officers and soldiers of the continental line of this State, for their pay and the commutation for their half-pay, on their respectively producing to the treasurers a certificate from the paymaster general of the continental troops for the amount of such pay and commutation; and that the treasurers shall give indents to such of the late deranged officers of the said line, and junior surgeons of the hospital, as are entitled by a resolve of the Legislature to commutation for half-pay, for the amount of such commutation, and shall also give them special indents (not exceeding in the whole six thousand pounds sterling) for one year's interest on the said indents; which said special indents shall be receivable in payment of duties and taxes, in the same manner as the other special indents hereinbefore mentioned.

Special indents

XXVII. *Be it enacted* by the authority aforesaid, That if the persons heretofore appointed to superintend the emissions of special indents, should neglect or refuse to act, or die, or depart the State, his Excellency the Governor or Commander-in-chief for the time being is hereby authorized to appoint one or more proper persons for that business, who shall respectively have the same authorities as those who are appointed by this Act.

Appropriation.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the public treasury, shall be appropriated and applied to and for the use and service of this State.

## ESTIMATE

*Of the supplies wanted for the support of Government, for the year one thousand seven hundred and eighty-five.*

|                                                      |   |   |   |   |             |
|------------------------------------------------------|---|---|---|---|-------------|
| His Excellency the Governor's salary,                | - | - | - | - | £1300 00 00 |
| Four assistant Judges, at £500 each,                 | - | - | - | - | 2000 00 00  |
| Attorney General,                                    | - | - | - | - | 300 00 00   |
| Five delegates to Congress at £600 each,             | - | - | - | - | 3000 00 00  |
| Clerk of the Privy Council,                          | - | - | - | - | 150 00 00   |
| Secretary to his Excellency the Governor,            | - | - | - | - | 150 00 00   |
| Auditor of public accounts,                          | - | - | - | - | 577 06 08   |
| And for his extra services and assistants,           | - | - | - | - | 850 00 00   |
| Two Treasurers,                                      | - | - | - | - | 571 08 08   |
| And for their extra services, and clerks, &c.        | - | - | - | - | 460 00 00   |
| One other clerk,                                     | - | - | - | - | 140 00 00   |
| Clerk of the Senate,                                 | - | - | - | - | 287 04 08   |
| Clerk of the House of Representatives,               | - | - | - | - | 287 04 08   |
| Two messengers, one to each house, at £70 each,      | - | - | - | - | 140 00 00   |
| Two doorkeepers, ditto, at fifty pounds each,        | - | - | - | - | 100 00 00   |
| Powder Receiver,                                     | - | - | - | - | 70 00 00    |
| Ordnance Store-keeper,                               | - | - | - | - | 70 00 00    |
| Three Judges of the Court of Chancery, at £500 each, | - | - | - | - | 1500 00 00  |
| Commandant of Fort Johnston,                         | - | - | - | - | 500 00 00   |
| Collector of Charleston,                             | - | - | - | - | 500 00 00   |
| Collector of Georgetown,                             | - | - | - | - | 150 00 00   |
| Collector of Beaufort,                               | - | - | - | - | 150 00 00   |

|                                           |   |   |   |   |           |             |
|-------------------------------------------|---|---|---|---|-----------|-------------|
| Two Waiters for Charleston, at £100 each, | - | - | - | - | 200 00 00 | A. D. 1785. |
| Searchers for ditto,                      | - | - | - | - | 150 00 00 |             |
| Waiter for Georgetown,                    | - | - | - | - | 30 00 00  |             |
| Waiter for Beaufort,                      | - | - | - | - | 30 00 00  |             |

INCIDENTAL CHARGES.

|                                                                     |   |             |
|---------------------------------------------------------------------|---|-------------|
| Expenses of the Members of the Senate and House of Representatives, | - | 2300 00 00  |
| Contingent fund, to remain subject to the drafts of the Governor,   | - | 1000 00 00  |
| Printer's bill,                                                     | - | 200 00 00   |
| Garrison at Fort Johnston,                                          | - | 1000 00 00  |
| For the transient poor,                                             | - | 1000 00 00  |
| The interest of the public debt of this State for the year 1785,    | - | 88674 00 00 |
| The interest of the foreign debt of this State for the year 1785,   | - | 5286 02 04  |
| The commissioners for digesting the laws of this State,             | - | 900 09 00   |
| To Hugh Rutledge, Esquire, for his digest of laws,                  | - | 1000 00 00  |

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ACT TO SECURE THE PAYMENT OF THE AMERCEMENTS IMPOSED BY No. 1285.  
THE LEGISLATURE OF THIS STATE, AND FINALLY TO CLOSE THE BUSINESS OF CONFISCATION AND AMERCEMENT.**

WHEREAS, the amercements imposed by the Legislature of this State have not been paid; and whereas, it is expedient to bring to a final close the whole business of confiscation and amercement; Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That all persons whose estates are liable to pay amercements by this or any former law, and who have made no return of their estates to the commissioners of forfeited estates, shall, either by themselves or by their attorneys, within one month after the passing of this Act, return on oath, to the commissioners of forfeited estates, a just and true account of all the property, both real and personal, now liable to pay amercements, of which they were possessed on the twenty-sixth day of February, one thousand seven hundred and eighty-two; and in default thereof, the commissioners of forfeited estates shall proceed against such defaulters in the mode prescribed by the Amercement Act. Persons liable to pay amercements, to make return of their estates.

II. *Be it enacted* by the authority aforesaid, That Richard Lushington and John Waring, senior, Esqs. and Mr. Peter Bacot, are appointed to value the estates which shall be returned to the commissioners of forfeited estates, as aforesaid, or which have been returned and are not yet appraised, in conformity to any former law; and in case either of the said persons shall die, refuse to act, or depart this State, that then the commissioners of confiscated estates shall have full power to appoint one or more, as the case may be, to supply the place of such person dying, refusing to act, or departing this State; and they shall have power to call upon and swear Commissioners appointed to value the estates.

A. D. 1785.

Oath to be taken by the commissioners.

such former proprietor, touching the quantity, quality, and improvements of such property, so returned; that they be allowed one guinea per day, each, to be paid by the parties amerced, which shall be allowed to the party amerced by the commissioners of forfeited estates, in their settlement with the parties amerced, for their trouble while actually employed in this business; and that previous to their entering on this duty, they shall take the following oath or affirmation: "I, A B, do swear (or affirm, as the case may be) that I will do equal justice between the State and the individuals whose estates are amerced, according to the true intent and meaning of this Act." That they value the estates as aforesaid on the idea of what they would sell for in specie if sold on a credit to the fifteenth of December next from the day of the passing of this Act; and that this be considered as a neat amercement on the amount of property possessed, without any deduction for debts, except such debts as shall be proved to the satisfaction of the commissioners of forfeited estates to have been bona fide due on the twenty-sixth day of February, one thousand seven hundred and eighty-two, by the persons whose estates are amerced, over and above what was due to them.

Attorney General to sue for amercements.

III. *Be it enacted* by the authority aforesaid, That where the amercements already ascertained, or to be ascertained, in conformity to this Act, or any former Act, shall not be paid on or before the fifteenth day of December next ensuing after passing this Act, to the commissioners of forfeited estates, they are hereby authorized and required, within one week thereafter, to return a list of the defaulters to the attorney general, who shall immediately sue for the same, in which case no imparlance shall be allowed.

Two former Acts repealed.

IV. *Be it enacted* by the authority aforesaid, That an Act entitled "An Act for amercing certain persons therein mentioned," passed the twenty-sixth day of February, one thousand seven hundred and eighty-two, as far as it relates to the persons therein mentioned, is hereby repealed; and that an Act entitled "An Act for pardoning the persons therein described, on the conditions therein mentioned," passed the twenty-sixth day of February, one thousand seven hundred and eighty-two, is also hereby repealed and made null and void.

Probarth Howarth to be admitted a citizen

V. *Be it further enacted* by the authority aforesaid, That Probarth Howarth, Esq. is hereby permitted to become a citizen of this State, on the same terms as are prescribed by the Act entitled "An Act to confer the rights of citizenship on aliens," passed the twenty-sixth day of March, one thousand seven hundred and eighty-four.

Bonds given by persons who have since been released therefrom, to be delivered up.

VI. *Be it enacted* by the authority aforesaid, That where bonds for paying amercements have been given by persons who have since been relieved from their amercements by an Act of the Legislature, they shall be given up by the treasurers or commissioners of forfeited estates, on application of the persons liable to pay the same, on their paying the commissions and contingent charges required by law.

Persons having demands against confiscated property, how to be paid.

VII. *Be it enacted* by the authority aforesaid, That where confiscated property has been sold, payable in specie by instalments, for the benefit of creditors, such creditors shall have their accounts audited by the auditor general, and on their producing their accounts, so audited, to the commissioners of the treasury, they shall receive the bond or bonds for the amount due them, with an assignment thereon from the commissioners of the treasury; provided, such estates are equal to the whole demand against them; but if the demands are more than the amount of the estates against which they are brought, then such assignment shall only be made for an equal dividend; and provided further, that no transfer of such bonds shall

be made by the treasurers to such creditors until all accounts brought in against such estates previous to the twenty-sixth of next March are liquidated and adjusted. A.D. 1785.

VIII. *And be it further enacted* by the authority aforesaid That one half of the amercements due as aforesaid may be discharged in special indents.

IX. *And be it further enacted* by the authority aforesaid, That the estates which have been released from confiscation or amercement, are hereby made liable to pay all arrears of taxes which may be due thereon.

X. *And be it further enacted* by the authority aforesaid, That Richard Wayne be exonerated and discharged from the amercement laid on him by an Act entitled "An Act for restoring to certain persons therein mentioned their estates, both real and personal, and for permitting the said persons to return to this State, and for other purposes therein mentioned," passed the twenty-sixth day of March, one thousand seven hundred and eighty-four; any thing therein contained to the contrary in any wise notwithstanding. R. Wayne released from amercement.

XI. *Be it enacted* by the authority aforesaid, That all expenses which have been incurred by carrying into effect the laws heretofore passed for amercing or confiscating estates, where the estates have been released, by subsequent Acts of the Legislature, from amercement or confiscation, shall be defrayed by the proprietors of the estates so released; and the commissioners of forfeited estates are hereby authorised to recover the same, in the most summary way, before any court having jurisdiction to the amount of the sum due. Estates\* released from confiscation or amercement, to pay all expenses.

XII. *And be it enacted* by the authority aforesaid, That the commissioners of forfeited estates are hereby authorised to sell, from the best information they can get, negroes and other personal property, without producing the same, where it cannot conveniently be done. Where property cannot be produced, it may be sold from information.

XIII. *Be it enacted* by the authority aforesaid, That where estates have been sold for indents, the amercement on the same shall be discharged by deducting twelve per cent. out of the indents paid, or to be paid, into the treasury, from the purchasers thereof; and the commissions due for sales, made as aforesaid, shall be discharged by indents or specie respectively, according to the terms of sale. Estates sold for indents, the amercements how to be paid.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

## AN ORDINANCE TO APPOINT COMMISSIONERS TO SELL THE PUBLIC LAND ON PORT ROYAL ISLAND. No. 1286.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, and by the authority of the same, That John Joyner, William Hazard and Robert Barnwell, Esqs., be, and they are hereby appointed, commissioners for ascertaining the boundaries of the land on which Fort Lyttleton, on Port Royal Island, formerly stood. Names of the commissioners.

A. D. 1785.

Commissioners  
to sell a tract  
of land.

II. *Be it ordained* by the authority aforesaid, That the said commissioners shall, and they are hereby empowered and fully authorized to, expose to public sale the aforesaid tract of land, (giving three months previous notice) on a credit of three years, payable in State indents, which said commissioners shall take bond with proper security for said purchase, bearing an interest of seven per cent. payable annually by interest due on indents, and made payable to the treasurers of this State, which said bonds shall be lodged with the treasurers as soon as they are taken.

Common land  
adjoining Beau-  
fort, to be sold.

III. *And be it further ordained* by the authority aforesaid, That the said commissioners shall, and they are hereby empowered to, expose to sale, in whole or in lots, the land commonly known to be common, adjoining the town of Beaufort, (giving three months previous notice,) for which the said commissioners are hereby empowered to give proper titles to the purchaser or purchasers of the said common land; and the money arising from such sale shall be paid unto the vestry and churchwardens for the town of Beaufort, to enable the said vestry and churchwardens to rebuild the parsonage house on the glebe land.

Vacant lots to  
be ascertained  
and sold.

IV. *And be it further ordained* by the authority aforesaid, That the commissioners aforesaid shall, and they are hereby empowered and required to, ascertain the number of vacant lots now remaining in the town of Beaufort, and not heretofore granted, and the same to expose to sale, (after giving three months previous notice,) and to give unto the purchaser or purchasers of lots, titles for the same, on being paid the purchase money in State indents, which indents shall be returned into the treasury with an account sales of such vacant lots sold by virtue of this Ordinance.

General issue  
may be plead-  
ed.

V. *And be it further ordained* by the authority aforesaid, That any person who shall be sued for any thing done or to be done under the authority of this Ordinance, may plead the general issue, and give this law and the special matter in evidence.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1287. AN ORDINANCE to incorporate the Master Taylors' Society.

(Passed March 24, 1785. *See last volume.*)

No. 1288. AN ORDINANCE for clearing Edisto, Wateree, Great and Little Pe-dee rivers, Broad and Saltcatcher rivers.

(Passed March 24, 1785. *See last volume.*)

A. D. 1785.

**AN ORDINANCE FOR VESTING POWERS IN THE RESPECTIVE VESTRIES AND CHURCHWARDENS OF THE EPISCOPAL CHURCHES IN THE PARISHES OF ST. PAUL AND ST. ANDREW, AND THEIR SUCCESSORS FOR THE TIME BEING, FOR THE BENEFIT OF THE SAID RESPECTIVE CHURCHES AND CONGREGATIONS.** No. 1289.

WHEREAS, several of the inhabitants of the said parishes of St. Paul and St. Andrew have respectively associated themselves together, and by voluntary contributions have raised and are now raising a fund for the maintenance of ministers for the respective churches, of the principles and tenets of the Church of England, and for repairing the said churches:

Preamble:

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, and by the authority of the same, That the said vestries and churchwardens, or a majority of them, respectively, are hereby vested with all the powers and authorities which are vested in any corporated and established church in this State, by the respective names of "The Vestries and Churchwardens of the Parish of St. Paul," and "The Vestries and Churchwardens of the Parish of St. Andrew;" and by their respective names shall, from time to time, and at all times hereafter, have perpetual succession, and a common seal for their respective churches, and be able and capable in law to purchase, have, hold, receive, take, retain and enjoy, all the real estates, lands, tenements and hereditaments, rents and income thereof, which are now in their respective hands or vested in the said vestries and churchwardens respectively, in trust for the established congregations of the church of England in the said parishes of St. Paul and St. Andrew, respectively, as aforesaid; and they and each of their respective successors shall be able and capable in law to have, hold, receive, enjoy, possess and retain all the monies or other personal estates, and all the securities for the same, and the interest and proceeds thereof, which are now in the hands of or vested in the said respective vestries and churchwardens; and also, at their discretion to call in and replace at interest the said monies respectively, or any part thereof.

Powers of the vestries and wardens.

II. *And be it further ordained* by the authority aforesaid, That the said vestry and churchwardens, or their successors, for the parish of St. Andrew, are hereby required and empowered to have the said parish church completely repaired, and the pews erected in the said church as heretofore; and for the cost and expense thereof to assess the said pews when finished, rateably and proportionably, according to their respective value; which assessment the proprietors thereof are hereby enjoined and required to pay, when called upon by the vestry and churchwardens for that purpose: and in case the said proprietors, or any of them, shall neglect or refuse to pay such assessment, that, and in such case, the said vestry and churchwardens be, and they are hereby, empowered to sell and convey to the highest bidder, all such pew and pews in the said church, belonging to such proprietor or proprietors so refusing to pay for rebuilding the same as aforesaid, and after deducting the sum or sums assessed thereon respectively, to pay the overplus, if any there may be, to the several and respective proprietors thereof, when called upon for that purpose.

Parish church of St. Andrew to be repaired.

III. *And be it also ordained* by the authority aforesaid, That the said vestry and churchwardens for the parish of St. Paul, are hereby empowered and directed to sell and dispose of, at public vendue, all that tract of land belonging to and claimed by the said church, situate on Stono river,

Vestry of St. Paul empowered to sell a tract of land.

A. D. 1785.

in the said parish, (reserving such part thereof where the old church formerly stood, and the land around it, which was made use of for a cemetery or burial place, which shall forever be kept from being occupied in any other manner than for a place of worship and for burying the dead,) and the money arising from the sale of the said land to be appropriated for the maintenance and support of a proper Episcopal clergyman or minister for the said parish of St. Paul, to be paid in such manner as the vestry and churchwardens may see fit and proper.

Said vestries  
and church-  
wardens may  
sue and be  
sued.

IV. *And be it also ordained* by the authority aforesaid, That it shall and may be lawful for the said vestries and churchwardens of the said parishes of St. Paul and St. Andrew, or their respective successors, to sue or be sued, implead and be impleaded, answer and be answered unto, in any court or courts, or other places, before any judges or justices, in all manner of actions, suits, complaints, pleas, causes or things whatsoever, and of what nature or kind soever, which shall be to them in any wise belonging or appertaining in or about the respective premises.

May receive  
and hold gifts,  
and devise of  
lands, &c.

V. *And be it also ordained* by the authority aforesaid, That it shall and may be lawful for the said vestries and churchwardens respectively, and their successors forever, to take and hold, to them and their successors respectively forever, any donations and devises of lands, slaves, monies and other chattels, real and personal, for the purposes aforesaid, which any charitable or other well disposed person or persons may give or devise to the said churches respectively.

And appoint  
clergymen, &c.

VI. *And be it also ordained* by the authority aforesaid, That it shall and may be lawful for the said vestries and churchwardens respectively, and their successors in office, or a majority of them, to appoint and choose a proper Episcopal clergyman and minister, and all other persons necessary to be employed for the benefit of the respective congregations, and at their will and pleasure displace, remove and supply others in the room and stead of them, or any of them, and to appoint such salaries, perquisites, or other rewards, for their service and labour therein, as they shall from time to time approve of and think fit.

This a public  
Act.

VII. *And be it also ordained* by the authority aforesaid, That this Ordinance shall and may be given in evidence on the trial of any issue or cause, in any court of law or equity in this State, without special pleading.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1290. **AN ORDINANCE TO ASCERTAIN THE DUTIES OF THE OFFICERS OF THE CUSTOMS, AND TO VEST THEM WITH NECESSARY POWERS.**

Preamble.

WHEREAS, it is expedient and necessary that the duties of the several officers of the customs should be fully and accurately ascertained, the more effectually to secure the faithful collection of the duties imposed by the Legislature of this State;

1. *Be it ordained*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That

the collectors of the customs shall attend at their respective offices from the hours of ten in the morning until two in the afternoon, every day, (Sundays excepted,) to enter and clear or receive reports of all vessels arriving within their respective districts. A. D. 1725.  
Collectors' office hours.

II. *And be it further ordained* by the authority aforesaid, That the district of Charleston shall comprehend the port of Charleston and the inlets between South Edisto river to the southward and South Santee to the northward, and that all vessels which may arrive in any inlet between South Santee and Edisto shall be obliged to enter or report at the port of Charleston; and all vessels which may arrive at St. Helena, or any port or inlet between that river and Savannah, shall enter at the custom-house in Beaufort; and all vessels which may arrive at South Santee, or any port or inlet between that river and Little River, shall enter or report at the custom house in Georgetown; and any master of a vessel neglecting or refusing to do so, within twenty-four hours after his arrival at the port where any custom house is kept, (Sundays excepted,) or within three days of arriving at any out port, shall forfeit the sum of twenty pounds; and if any goods shall be landed without a proper entry thereof made for the payment of the duties, and a permit obtained, the same shall be liable to seizure, if discovered within six months from the importation and landing thereof; and all masters of vessels are hereby required, and the collector is fully authorised to administer the oath prescribed by the duty law, which the master is also to subscribe, upon pain of forfeiting the sum of five hundred pounds. Custom house entries at Charleston;  
At Beaufort;  
At George-town.  
Penalty.

III. *And be it further ordained* by the authority aforesaid, That the searcher for Charleston shall, every morning, (Sundays excepted) report to the collector thereof the names of all vessels and the masters' names, that may arrive the preceding day, the port from which they came, and an account of the goods on board, as nearly as can be ascertained. Searchers to make report to the collector.

IV. *And be it further ordained* by the authority aforesaid, That a good and sufficient boat, with four oarsmen, be constantly kept by the searcher for the district of Charleston, and that the costs and expenses of the same shall be paid by the treasurers (provided the cost of the said boat shall not exceed the sum of thirty pounds) out of the impost on tonnage. Boat and oarsmen to be kept by searchers.

V. *And be it further ordained* by the authority aforesaid, That the searchers be, and they are hereby, fully authorised and empowered to go on board any vessel arriving within their respective districts, and are hereby required to go on board every vessel which may arrive within the ports of their respective districts; and any master of a vessel refusing or preventing them from so doing, or from searching, if they suspect more goods on board subject to the payment of a duty than the master shall give an account of, shall forfeit the sum of one hundred pounds. Searchers required to go on board of every vessel.

VI. *And be it further ordained* by the authority aforesaid, That the waiters of the several districts shall attend at the custom-house every morning, (Sundays excepted,) at ten o'clock, to receive from the collectors such directions as they are authorised to give, and at two o'clock to take an account of the names of vessels and masters' names that have entered with any goods; and they shall also keep a book with an account of the quantity and species of such goods in each vessel, receive the collector's permits for the landing the same, inspect the landing thereof from time to time, and if more goods are landed than are entered for the duties, seize and report the same to the collector, who is hereby fully authorised and empowered to libel and prosecute the same; and the said waiters are hereby respectively authorised and empowered to go on board any vessel to search the same, and if more goods are found on board liable to pay duty Waiters to attend at the custom-house.

A. D. 1785.

than are entered, the same to seize and detain, giving information thereof to the collector for prosecution; and to call to their assistance any constable or other person, if they are opposed in the due execution of their office; and any master of a vessel, owner or other person, concerned in opposing the collectors, searchers or waiters, in the due execution of their respective offices, shall forfeit and pay the sum of one hundred pounds.

Forfeitures,  
how to be paid.

VII. *And be it further ordained* by the authority aforesaid, That all forfeitures incurred by this Ordinance shall be divided in manner following, that is to say, one half part to the State, and the other half part to the searcher, waiter, or other person who shall give information thereof, upon conviction of such offender or offenders.

Registering of  
vessels.

VIII. *And be it further ordained* by the authority aforesaid, That upon entry of every vessel, the master shall produce his register to the collector, who shall, upon the manifest, record the names and residence of the owners, for the inspection of any person desirous of being informed of the same; and the collectors of the respective ports are hereby authorised and empowered to grant registers for all vessels built within the limits of their respective ports, or sold within the same, upon the parties declaring upon oath in whom the property thereof is invested, with the name of the vessel, master's name, tonnage and owners. And to prevent frauds by the transfer of property, no register shall be granted without first delivering up to the collector the former register, (or oath given that the same has been lost,) and producing a bill of sale of the vessel's having been sold by the owner or owners, or by some person authorised by him or them to dispose of the same, or by due course of law; and that the collector do sign the registers so granted, and affix the seal of office thereto, and keep a record thereof for the inspection of any person desiring to see the same.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1291. *AN ACT* TO ALTER AND AMEND AN ACT ENTITLED "*An Act for establishing the mode and conditions of Surveying and Granting the Vacant Lands within this State;*" AND FOR OTHER PURPOSES, THEREIN MENTIONED.

Preamble.

WHEREAS, the Act entitled "*An Act for establishing the mode and conditions of surveying and granting the vacant lands within this State,*" requires several alterations and amendments:

Land to be  
granted for ten  
dollars per 100  
acres.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the lands mentioned and described in the first clause of the said Act, which shall be surveyed by virtue of warrants

hereafter to be issued, shall be granted and sold for ten dollars (instead of ten pounds) for every hundred acres of the said land, payable in indents. A. D. 1785.

II. *And be it further enacted* by the authority aforesaid, That warrants for land in Charleston district shall be granted by, and returned to, the surveyor general, in like manner as warrants for land in the other districts are granted by, and returned to, the commissioners of locations in the said districts respectively. Warrants to be returned to the surveyor general.

III. *And be it further enacted* by the authority aforesaid, That grants shall be signed by the Governor, on the first Monday in every month; that the surveyor general may appoint as many deputy surveyors as he shall think proper in each district; and which said deputy surveyors shall be confined to locate any warrant of survey to the respective districts of which they are or may be appointed, and no other; and that the ninth clause of the said Act be, and it is hereby, repealed. Grants to be signed by the Governor.

IV. *And be it further enacted* by the authority aforesaid, That no grant for land shall in future be presented by the secretary to the Governor to be signed, until the grantee, or some person in his behalf, shall have produced to the Secretary, who shall file and keep the same in his office, a certificate from one of the treasurers that the purchase money for the said land has been paid, or a certificate from the auditor general that the person in whose behalf application is made for the said grant has an account in the auditor's office, not passed, equal to the amount of the purchase money of the said land; that where any grant has been already or shall hereafter be signed without payment of the purchase money of the land granted, the land so granted shall not be subject to the debts, alienation, or disposition of the grantee, until the purchase money for the same shall have been actually paid; and that if the same shall not be paid within twelve months next after the date of the grant, the land shall be sold by the treasurers at public auction, after ninety days notice in the State Gazette of such sale, for the most money it will produce in indents; that the treasurers are hereby empowered to convey the said land to the highest bidder, in fee simple, on the immediate payment of the price for which it shall be sold, and that the surplus of the money, if any, arising from such sale, shall be paid, in indents, after satisfaction of the original price of the said land and interest thereon, with the expenses attending such sale, from the date of the grant, to the grantee, his heirs or assigns, on applying to the treasurers for the same: *Provided*, that if at the expiration of twelve months from the date of his grant, the person shall have an account in the auditor's office equal to the amount of the purchase money of the land for a grant of which he applies, on his producing the auditor's certificate of such account, the Governor may order the treasurers to suspend such sale for such time as to his Excellency may appear reasonable; and that if no grant has been or shall be obtained for land, within six months after the return of a plat of it into the surveyor general's office, the surveyor general shall certify the plat and the Governor shall sign a grant for the land to any person who will apply for the same and comply with the terms and conditions which the person for whom the said land was surveyed should have fulfilled previous to the obtaining a grant for such land; that the secretary shall, at the end of every month, deliver to the treasurer a list of all grants which shall have been signed in the said month. Purchase money to be paid, or secured to be paid, before the grants are signed.

V. *And be it further enacted* by the authority aforesaid, That the surveyor general's office shall be kept in some convenient part of the state-house, and that the surveyor general shall be entitled to the same fees for business done by him with respect to land in Charleston district, as the commissioners of locations are entitled to for business done by them with Office and fees of the surveyor general.

A. D. 1785.

respect to lands in the other districts; and that the same allowance of land be given to the cavalry as was given to the infantry of this State.

Fees of officers.

VI. And whereas, doubts have arisen concerning the fees allowed to officers, upon the opening of the land office, *Be it therefore enacted* by the authority aforesaid, That it is not lawful for any other fee to be taken than such as are inserted in the Act entitled "An Act for establishing the mode and conditions of surveying and granting vacant lands within this State;" any law, usage or custom to the contrary thereof in any wise notwithstanding.

Caveats determinable, and proceedings thereon.

VII. *And be it further enacted* by the authority aforesaid, That caveats shall be determinable by the Governor and any two or more of the privy council; that witnesses being required, by summons from the clerk of the privy council by order of the Governor, to attend on the hearing of caveats, shall attend accordingly, under the same penalties, and be entitled to the same allowance for their attendance, as witnesses in the court of common pleas; the said penalties and allowance to be recoverable in a summary way, before a magistrate: and that the expense of the attendance of witnesses be paid by such of the parties as the Governor and any two or more of the privy council in their discretion shall think fit; provided, that three commissioners for hearing caveats for lands, in each of the respective circuit court districts, shall be elected by ballot of the Senate and House of Representatives; that caveats for lands within the said districts shall be heard by the said commissioners respectively, or any two of them; and which said commissioners are hereby authorised and empowered finally to determine upon the said caveats; and before entering on their said offices, the said commissioners shall take the following oath, before some one justice of the quorum, to wit: "I, A B, do swear (or affirm) that I will faithfully and impartially execute the office of justice of the court of caveats: So help me God." And the said commissioners shall hold a court of caveats on the first Tuesday in every month, in some convenient part within the district, at which time and place they shall cite the parties, with their witnesses, to appear; and in case of the non-attendance of either party, or the want of evidence, the cause shall be postponed for three successive hearings, and the same shall be determined at the third court after such citation hath been issued; and the said commissioners shall hear the parties, by themselves or by their attorneys; and when the case is finally determined, the commissioners shall certify the same to the Governor or Commander-in-chief for the time being, who shall sign the grant accordingly; and the said commissioners shall be entitled to receive a fee of nine shillings and four pence, and which fee shall be divided among them, for their determination on each caveat, to be paid by the person who shall be cast.

Oath of the commissioners.

A court of caveats to be held monthly.

District lines.

VIII. Whereas, disputes have arisen with respect to the boundaries of the Ninety-Six districts, *Be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the south branch of Saludy river shall be deemed and taken as the division line between the said districts.

Commissioners to sell two lots of land.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall sell and dispose of, upon a credit of one year, at public auction, after two months notice in the State Gazette of such sale, for treasury indents, two thousand nine hundred and eleven acres of land which by an Act of the General Assembly entitled "An Act for vesting six hundred acres of land whereon the iron works of Joseph Buffington are, in the treasurers of this State, for and upon certain uses and trusts, and also for vesting another parcel of land in the said treasu-

ers for the use of this State," were vested in the commissioners of the treasury, in trust, and to and for the use of this State; and that the said treasurers shall be, and they are hereby, authorised and empowered to convey the said two thousand nine hundred and eleven acres of land to the purchaser thereof, in fee simple.

A. D. 1785.

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "*An Act for establishing the mode and conditions of surveying and granting the Vacant Lands within this State,*" AND ANOTHER ACT, ENTITLED "*An Act to alter and amend an Act entitled an Act for establishing the mode and conditions of surveying and granting the Vacant Lands within this State, and for other purposes therein mentioned.*" No. 1292.

WHEREAS, an Act of the General Assembly entitled "*An Act for establishing the mode and conditions of surveying and granting the vacant lands within this State,*" and an Act entitled "*An Act to alter and amend an Act entitled An Act for establishing the mode and conditions of surveying and granting the vacant lands within this State, and for other purposes therein mentioned,*" require alteration and amendment;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, in General Assembly met, and by the authority of the same, "That the tenth, eleventh and fifteenth clauses of the Act first above mentioned shall be, and they are hereby, repealed." Repeal of three clauses of an Act.

II. And whereas, by the Act last above mentioned, it is enacted, in the words following, viz: "that no grant for land shall in future be presented by the Secretary to the Governor, to be signed, until the grantee, or some person in his behalf, shall have produced to the secretary (who shall file and keep the same in his office) a certificate from one of the treasurers that the purchase money for the said land has been paid, or a certificate from the auditor general that the person in whose behalf application is made for the said grant has an account in the auditor's office not passed, equal to the amount of the purchase money of the said land;" *Be it enacted* by the authority aforesaid, That so much of the said Act as is above recited, shall be, and the same is hereby, repealed. Another clause repealed.

III. And whereas, several persons to whom lands have been granted, have not as yet obtained indents from the treasury to pay for such land, although some of them have accounts in the auditor's office not passed, and others have accounts passed by the auditor, and lying in the treasury, equal to the amount of the purchase money for the said land, and it is reasonable to allow a further time to the said grantees to pay for the said land; *Be it therefore enacted* by the authority aforesaid, That no land which has been granted since the passing the Act first above mentioned, shall be sold Time allowed for payment on lands granted.

A. D. 1785.

by the treasurers for non-payment of the purchase money of such land, until the first day of June next; any thing in the Act last above mentioned to the contrary hereof in any wise notwithstanding.

A grant of surveyed land to be obtained in six months.

IV. *And be it further enacted* by the authority aforesaid, That a person making a survey of land shall be allowed six months from the time of making such survey to obtain a grant for the said land; and in default of obtaining a grant within that time, any person may, at the expiration thereof, apply for and shall obtain a grant for the said land, on paying for it; and any grant obtained for land within six months from the time of its being surveyed, (except by the person for whom it was surveyed,) shall be *ipso facto* null and void.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1293. **AN ACT FOR REGULATING SALES UNDER EXECUTIONS; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

Preamble.

WHEREAS, on account of disappointments arising from the failure of crops, and from the exportation of specie, lately circulating within this State, which is the cause of the want of a sufficient circulating medium, many citizens of this State are threatened with total ruin, by having their property seized for debt, and sold very considerably below its real value; in order, therefore, to afford relief to such debtors, without injuring their creditors,

Appraisers to be appointed before the goods are sold.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That before any lands, tenements, goods, chattels, or other estates, or property whatsoever, which now are, or hereafter shall be, seized or levied upon by virtue of any decree, execution, or process, issuing from any court or magistrate within this State, shall be exposed to sale, the defendant, either in person or by his attorney, shall, and he is hereby authorized and empowered to, appoint some one freeholder, who shall be a citizen of this State, and residing in the county or parish where the property lies, as his appraiser, and the plaintiff, in like manner, is directed to appoint a freeholder, who shall also be a citizen of this State, and residing in the county or parish where the property lies, as appraiser in his behalf; and in case either party, or both, shall neglect or refuse to make such appointment, then any neighboring magistrate, on application of the levying officer, is hereby authorized and required to appoint such appraiser or appraisers, as the case may be; which two appraisers shall choose a third, who shall also be a citizen of this State, and residing in the county or parish where the property lies; and in case of their neglect or disagreement in choosing such third person, then any neighboring magistrate, on the application of the levying officer, shall appoint such third person, qualified as aforesaid; and the levying officer

Magistrate to appoint appraisers when the parties refuse.

shall show the appraisers so chosen the property by him seized, and shall administer to them the following oath or affirmation: "I, A B, do solemnly swear (or affirm, as the case may be) in the presence of Almighty God, that I will justly appraise the property now produced or shown to me, and fix such valuation thereon as I shall think fair and equitable, if the same were sold on a credit of six months, according to the best of my skill and understanding. So help me God." And the appraisers so sworn shall proceed to value and appraise the said property, estimating the same as if sold on a credit of six months, and shall give, under their hands and seals, two copies of their appraisement, one copy to be delivered to the plaintiff, and the other to the defendant; and in case no appraiser shall appear in behalf of the defendant, or, having appeared, shall neglect or refuse to make the appraisement as by this Act is directed, within thirty days after the property shall have been taken by the levying officer, (provided the defendant lives in the district where such property has been seized, and within ninety days, if the defendant shall not reside in the district,) such levying officer shall be authorized to proceed to the sale of the property in like manner as if this Act had not passed: provided, nevertheless, that in order to prevent, as much as may be, law suits, at this time of public distress, no creditor shall bring any action for debt in any court or before any magistrate in this State, before he makes application in writing from himself to his debtor for payment, and if the debtor, on such application, shall tender property as payment of the said debt so demanded, agreeable to the terms and conditions above prescribed in this Act, and which tender the creditor should refuse to accept, and afterwards brings his action for the recovery of the same, then, and in such case, on judgment being obtained by the creditor, the plaintiff in the action shall be obliged to accept the property, to be appraised as before prescribed, at its full valuation.

A. D. 1785.

Oath.

Property appraised, considered as sold on a credit of six months.

Proviso.

II. *And be it further enacted* by the authority aforesaid, That every such levying officer shall, after such appraisement, and giving the usual notice, expose to sale the property so levied on, but shall not sell or dispose of the same for less than three-fourths of the appraised value thereof; and if such property will not sell for so much as three-fourths of such appraised value, then the plaintiff shall have it in his option to take the said property, except as before excepted, at three-fourths of the said appraised value thereof, or to refuse the same; which property, if accepted by the plaintiff, shall be a discharge of the debt or demand, or so much thereof as the said three-fourths of the value shall amount to; but in case the said three-fourths of the value shall exceed the demand of the plaintiff, he shall, on taking possession of the property, give bond with good and sufficient security to the defendant, to pay the difference within six months thereafter.

No property to be sold for less than three-fourths of its appraised value.

III. *And be it further enacted* by the authority aforesaid, That all and every person against whom any suit or action for debt is or shall be commenced, he, she, or they is and are hereby authorized and empowered, at any period or stage of such suit or action, to tender to the plaintiff such part of his property, real or personal, as he shall think proper: provided, that three-fourths of the value thereof shall, on appraisement to be made as above directed in case of execution, be sufficient to discharge the debt and costs in such action; and the plaintiff shall thereupon order the property to be delivered to the sheriff of the district or county where the property shall be, and the defendant shall cause the same to be delivered to the plaintiff, who shall proceed to have the same appraised and sold in the same manner as is above directed in case of goods seized under execution; but in case any debtor shall neglect or refuse to deliver such pro-

Real and personal property may be tendered to the plaintiff.

Proviso.

A. D. 1785.

Unlawful sales  
null and void.

Proviso.

Exceptions  
to the  
operation of  
this law.No imprison-  
ment on mesne  
process, &c.  
Proviso.

Limitation.

perty as shall, at three-fourths of its value, to be appraised as above, be sufficient to discharge the debt and costs, then the suit or action shall be continued.

IV. *And be it further enacted* by the authority aforesaid, That all and every sale, by virtue of any decree or execution, which shall not be made and conducted according to the directions in this Act contained, shall be null and void to all intents and purposes: provided, that nothing herein contained shall extend to prevent the collectors of taxes or duties from proceeding to collect the same as they are by law directed.

V. *And be it further enacted* by the authority aforesaid, That the operation of this law shall not extend to prevent the recovery of any money that one person may or shall have received for the use of another, or for property sold at vendue, or otherwise for ready money.

VI. *And be it further enacted* by the authority aforesaid, That no person whatsoever shall be thrown into gaol on mesne process, or writ of capias ad satisfaciendum, nor shall any debtor, now confined in gaol under either of the aforesaid processes, be detained therein: provided such debtor shall be willing to subject his property to the regulations in this Act contained, or upon a deficiency of such property to satisfy such executions, shall assign over, upon oath, the specialities and book debts due to him, or a sufficiency thereof to discharge such executions.

VII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force until the end of the next session of the General Assembly, and no longer.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1294. **AN ACT TO ESTABLISH A MEDIUM OF CIRCULATION BY WAY OF LOAN, AND TO SECURE ITS CREDIT AND UTILITY.**

Preamble.

WHEREAS, the citizens of this State are reduced to great and general distress by the scarcity of money to answer the calls of internal trade; and therefore to afford a speedy and effectual relief to the general calamity, by introducing a paper medium of circulation upon solid foundations,

Commissioners  
to issue paper  
money.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That as soon as may be after the passing this Act, the commissioners, to be appointed as this Act directs, shall cause to be struck off in manner and form hereinafter prescribed, one hundred thousand pounds in paper bills, of the form hereafter following, and guarded with such devices, and upon such paper, as shall in the opinion of the said commissioners afford the greatest possible security against counterfeits.

*The form of the bills:*

Form of the  
bills.

This bill of — shall pass in payment to the treasury of this State in discharge of all debts, duties, and taxes payable thereby, in and of

silver coin, during the term of five years from the first day of May, 1786, and is also secured by a mortgage of land of three times, or a deposite of gold or silver plate of double the value, in the loan office. A. D. 1785.

A, B, }  
C, D, } *Commissioners.*  
E, F, }

The said paper bills shall be issued of the following denominations, to wit:

|                                               |          |
|-----------------------------------------------|----------|
| 4,000 bills of the denomination of ten pounds | £40,000  |
| 10,000 do do three pounds                     | 30,000   |
| 10,000 do do two pounds                       | 20,000   |
| 4,000 do do one pound                         | 4,000    |
| 12,000 do do five shillings                   | 3,000    |
| 24,000 do do two shillings and six pence      | 3,000    |
|                                               | £100,000 |

The said bills shall be impressed in the presence of one of the commissioners of the loan office, and the plates kept in his possession constantly, until the whole shall be completed, at which time the plates shall be destroyed in the presence of the Governor; as soon as the said bills are struck off, they shall be numbered and signed by the three commissioners appointed as is directed by this Act. Bills to be printed in presence of one of the commissioners.

II. *And be it further enacted* by the authority aforesaid, That as soon as the said bills are struck off, numbered and signed, the commissioners of the loan office shall lend out the same on a credit of five years, bearing interest from the date of the securities, which shall be a mortgage of lands of three times the real value, or a deposite of gold or silver plate in the loan office, of double the value, in which valuation the buildings on the land or the fashion of the plate shall make no part. The value of the property mortgaged or pledged, shall be ascertained to the satisfaction of the commissioners, who shall be answerable to the State, in an action of debt on their bonds, wherein the damages incurred by taking insufficient security shall be assessed by the jury, unless such jury shall be of opinion that every necessary precaution was used, and no manner of neglect on the part of the commissioners: provided, nevertheless, that in order the more effectually to secure the commissioners from impositions, any person or persons who shall apply to them for moneys on loan, shall produce a just and true account of the property proposed to be secured, and which said property shall be valued upon oath by three disinterested freeholders, and the valuation so made shall be approved of by any two or more of the justices of the respective counties or parishes where the property shall lie, and a certificate shall be by them sent down to the commissioners. No person shall take upon loan more than two hundred and fifty pounds, or less than thirty pounds; and before such loan shall be made, every person applying for money shall take the following oath, to be administered by one of the commissioners, to wit: "You solemnly swear (or affirm, according to the form of your profession) in the presence of Almighty God, that the money now by you demanded on loan, is taken for your own particular use and behoof, and that you do not borrow this money for the use of any other person or persons whatsoever. So help you God." Bills to be loaned on credit.

III. *And be it further enacted* by the authority aforesaid, That the mortgage shall be taken in the following form, to wit: "I, A B, do assign over (or pledge, as the case may be) to the commissioners of the loan office, my Commissioners to be answerable for security.

A. D. 1785.

— (here describe the estate minutely) which (land or plate) I declare to be in mortgage for the repayment of —, with the legal interest of seven per cent. per annum, from the date hereof; and I do agree that the same may be exposed to sale according to this law, if I do not repay the principal and interest at the several and respective times on which they shall be lawfully due and payable. Witness my hand and seal this — day of —, 1785;" which mortgage shall also be accompanied with a bond for the sum so borrowed.

Sums borrowed to be paid at the end of five years, and interest annually

IV. *And be it further enacted* by the authority aforesaid, That the capital sum borrowed shall be paid on or before the expiration of five years from the first day of March, 1786, and the interest thereof of seven per centum per annum, on the first Wednesday in March in every year; and if the interest in arrear on every first Wednesday in March, (that of the year 1786 excepted, if any money should be loaned before that day,) be not paid, the commissioners, or any two of them, shall, on the Wednesday four weeks then immediately following, (having for three weeks previous thereto advertised the mortgaged property for sale in the State Gazette,) expose to public sale to the highest bidder the property so mortgaged or pledged, for ready money in these paper bills or gold or silver coin, current in this State; and the moneys due to the loan office and paid in by such sale, shall be considered as part of the unloaded capital, and be let out again on interest, in the manner by this Act directed in the first instance, for the remaining part of the said term of five years.

Bills to be received for duties, &c.

V. *And be it further enacted* by the authority aforesaid, That the said paper bills shall pass in payment to the treasury of this State in discharge of all debts, duties, and taxes which may grow due and payable after the first day of May, 1786, for and during the said term of five years, and may be received in payment of all demands upon the treasury for interest on the public debt of this State, at the respective times and in the manner which may be prescribed by any future law, and also in payment of the civil list expenses, and all contingent charges of Government.

Manner of paying duties on imports.

VI. *And be it further enacted* by the authority aforesaid, That the duties arising upon all negroes imported into this State and entered at the treasury after the first of February next ensuing, and all duties upon European and other manufactures, after the first of March, and all duties upon West India produce after the first of April, shall be paid in manner following, that is to say, the duties arising on West India produce imported, shall be paid in one month from the entry of such produce; on all European and other manufactures or commodities, in two months; and on all negroes, within three months; and all notes or specialties for such duties which shall not be paid and discharged at the respective times they become due, the treasurers shall issue their executions in the first instance against the estates, real and personal, of all such defaulters of duties.

No person to tender property where bills will be received.

VII. *And be it further enacted* by the authority aforesaid, That no person shall hereafter avail himself of the Act for regulating sheriff's sales, by tendering property at three-fourths of the value to his creditor, in any case where the creditor shall demand the payment of his debt in the paper bills hereby issued; provided such demand be made after the whole of the aforesaid sum of one hundred thousand pounds shall have been loaned out as aforesaid.

Inspectors to be appointed.

VIII. *And be it further enacted* by the authority aforesaid, That a committee of both Houses of the General Assembly shall be appointed once in every year to inspect the loan office, and report to both Houses the state thereof, and the correctness and propriety of the conduct of the commis-

sioners, for which purpose the said office shall be kept at the seat of government. A. D. 1755.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by virtue of this Act shall, immediately on their appointment, enter into bonds with sufficient security, either jointly or severally, in the amount of ten thousand pounds each, payable to the Governor or Commander-in-chief for the time being, for the use of the State, conditioned as follows: "The condition of the above obligation is such, that if the above bound, A B, appointed commissioner of the loan office, shall well and truly execute the trust reposed in him by virtue of and according to the directors of the Act for establishing a medium of circulation by way of loan, and for securing its credit and utility, passed the twelfth day of October, 1785, that then this obligation to be void, else to remain in full force and virtue;" which bond shall be lodged in the treasury of this State. Commissioners to give bonds.

X. *And be it further enacted* by the authority aforesaid, That each of the said commissioners shall also, before the Governor or Commander-in-chief for the time being, take the following oath, that is to say: "I, A B, do solemnly swear, that I will, to the utmost of my power and ability, well and faithfully discharge the trust reposed in me as a commissioner of the loan office, according to the true intent and meaning of the Act in that case made and provided. So help me God." And if any commissioner shall enter on the execution of the said office before he is qualified as this Act directs, or after his appointment and qualification shall violate the trust reposed in him, and shall be convicted thereof by the verdict of a jury, he shall be incapable of ever thereafter holding any place of honor or profit within this State, besides repairing any damages occasioned thereby, either to the State or individuals. Oath. Penalty.

XI. *And be it further enacted* by the authority aforesaid, That if any person shall alter or counterfeit any of the said paper bills hereby issued, or shall be accessory to such altering or counterfeiting, or shall pass or tender the same in payment, knowing it to be so altered or counterfeited, such person shall be adjudged a felon, and shall suffer death without benefit of clergy. Death for counterfeiting.

XII. *And be it further enacted* by the authority aforesaid, That three commissioners of the loan office shall be elected and appointed by the joint ballot of the Senate and House of Representatives, immediately after the passing of this Act, and shall be entitled to receive three hundred pounds each for the first year, and two hundred pounds for every year afterwards, for their several and respective services, and without any other fee or reward; and if any vacancy shall happen by the death, resignation, or removal out of this State, of either of them, the Governor or Commander-in-chief for the time being, with the advice of the Privy Council, in the recess of the General Assembly, shall have power to fill up such vacancy until the next meeting and sitting thereof. Appointment of commissioners. Their salary.

XIII. *And be it further enacted* by the authority aforesaid, That twenty-five thousand of the aforesaid bills be let on loan to the inhabitants of Charleston district, and twelve thousand five hundred pounds to the inhabitants of each of the other six districts: provided the same shall be called for by the inhabitants of those districts respectively within three months after public notice shall be given that the money is ready to be loaned, and if not applied for within that time it shall be loaned indiscriminately to those who shall first apply for the same after the expiration of the aforesaid three months, limited as to the amount of the loan as is expressed in the preceding parts of this Act. Manner of loaning bills. proviso.

A. D. 1785.

Mortgages that  
have priority.

XIV. *And be it further enacted* by the authority aforesaid, That all mortgages taken for loans of money shall be considered as being recorded from the date thereof, and shall have priority of any mortgages of the same property not recorded in the secretary's or register's of mesne conveyance office.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1295. *AN ORDINANCE* FOR PREVENTING THE CLIPPING AND FILING OF THE COIN PASSING WITHIN THIS STATE BY AUTHORITY OF THE GENERAL ASSEMBLY.

Preamble.

WHEREAS, the clipping and filing the gold coin circulating within this State by authority of the General Assembly, hath lately become general; and as the same is highly detrimental and injurious to the fair and honest trader and dealer, for preventing thereof in future,

Penalty for  
clipping or  
filing gold or  
silver.

I. *Be it ordained* by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this Ordinance, if any person or persons whosoever shall wilfully clip, file, or otherwise diminish the weight or value of any of the gold or silver coin passing by authority of the General Assembly within this State, or shall cause the same to be clipped, filed, or diminished, such person or persons shall, on conviction thereof before the justices of any of the courts of general sessions within this State, suffer for every offence twelve months close imprisonment, and during that period shall stand twice in the pillory for one hour each time.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1296. *AN ORDINANCE* FOR THE MORE SPEEDY SETTLEMENT OF THE ACCOUNTS OF THIS STATE WITH THE UNITED STATES.

Preamble.

WHEREAS, it is necessary that satisfactory evidence should be laid before the continental commissioners of accounts, that the supplies furnished by this State, or the citizens thereof, for carrying on the war against

the common enemy previous to the first day of January, which was in the year of our Lord one thousand seven hundred and eighty-two, were really and bona fide supplied for federal purposes; and whereas, many persons through whose hands such supplies have passed, in the settlement of their accounts in the first instance with this State have rendered in their accounts in such vague and indefinite terms as renders it impossible to ascertain accurately whether the charges therein specified are properly federal or not:

A. D. 1785.

I. *Be it therefore ordained*, by the honorable the Senate and the House of Representatives, in General Assembly met, That Major Simeon Theus be, and he is hereby, authorized and required to ask and demand of all quartermasters and commissaries of every rank and degree, and all deputy quartermasters and commissaries, and their agents, and all and every other person or persons acting as such, or in the department of quartermaster or commissary, and who have received any supplies of any sort, from this State, or the citizens thereof, for carrying on the war against the common enemy, previous to the first day of January, which was in the year of our Lord one thousand seven hundred and eighty-two, accurate and distinct accounts, properly attested, of the expenditure of the same; that the said Major Simeon Theus may be enabled to give the continental commissioners of accounts as much evidence as the nature of the case will admit, that this State is really and bona fide entitled to a credit from the United States for the amount of the said supplies.

Quartermasters to render in attested accounts.

II. *And be it further ordained* by the authority aforesaid, That any person who has acted in this State in the office of quartermaster or commissary, deputy quartermaster or commissary, or been in any manner or way employed in the quartermaster's or commissary's department, and who has received any supplies of any sort, from this State or the citizens thereof, for carrying on the war against the common enemy, previous to the first day of January, which was in the year of our Lord one thousand seven hundred and eighty-two, and who shall, on requisition from Major Simeon Theus, refuse or neglect for the space of four months thereafter, to render an accurate and distinct account, properly attested, of the expenditures of the same, in such manner that it may be ascertained whether the said supplies were for federal purposes or not, shall forfeit for the use of this State double the value of the supplies by him as aforesaid received, to be recovered in any court of record in this State, wherein no imparlance, protection, or wager of law, shall be allowed; and the said Major Simeon Theus is hereby authorized and required to deliver to the Governor or Commander-in-chief for the time being, a list of all and every such person and persons who shall, for the space of four months after such requisition, refuse or neglect to render such account; and the Governor or Commander-in-chief for the time being is hereby authorized and required to order the attorney general to sue without delay each and every person neglecting or refusing to account in manner aforesaid.

Forfeitures required of quartermasters and commissaries neglecting their duty.

A list of such persons to be delivered to the Governor.

III. *And be it further ordained* by the authority aforesaid, That in case of the death, resignation, departure from this State, or refusing to act, of the said Major Simeon Theus, that it shall and may be lawful for the Governor or Commander-in-chief for the time being, with the advice and consent of the honorable the Privy Council, to appoint another person to act in his stead, whose requisitions and authority shall be as forcible and extensive, as if they were made and exercised by the said Major Simeon Theus.

Filling vacancies.

IV. *And be it further ordained* by the authority aforesaid, That the honorable John Rutledge, John Mathews, and John Lewis Gervais, Esqs.

A. D. 1785.  
 Committee to  
 sit during the  
 recess of the  
 Legislature.

Isaac Motte, and Charles Cotesworth Pinckney, Esquires, be a committee to sit in the recess of the Legislature, with power to send for persons, papers, and records, and to direct Major Simeon Theus in the execution of his trust, and also with full powers to agree in the behalf of this State, to any new regulations which may be proposed in behalf of the United States, for expediting the settlement of the public accounts.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*  
 JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1297. AN ACT to explain and amend the "Act for incorporating the City of Charleston, and enlarging the powers of the City Council," and to prevent a clashing of jurisdiction within the same.

(Passed October 12, 1785. See last volume.)

No. 1298. AN ORDINANCE TO AUTHORISE AND REQUIRE COLONEL ANDERSON TO COLLECT A SECOND SET OF VOUCHERS FROM THE REGIMENTS OF WATERS, BRANDON, AND ROEBUCK, FOR THE RELIEF OF THOSE PUBLIC CREDITORS THE VOUCHERS OF WHOSE ACCOUNTS HAVE BEEN DESTROYED BY COLONEL ANDERSON.

Colonel Anderson required to procure a second set of vouchers.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, That Colonel Anderson be authorised and required, by the first of March next ensuing, to collect a second set of vouchers, where the same is practicable, and deliver the same to the auditor; and also to make out a state of the other vouchers by him destroyed, and attest the same before the auditor, in the following words: "I, Robert Anderson, do swear that I have collected a second set of vouchers of the public accounts by me destroyed, as far as the same was practicable, and that the statement which I now exhibit of those vouchers which were by me destroyed (second sets of which I could not acquire) is just and true, to the best of my knowledge."

The auditor to receive said vouchers.

II. *Be it ordained* by the authority aforesaid, That it shall and may be lawful for the auditor to receive the accounts tendered to him and attested by Colonel Anderson as aforesaid, and proceed to audit the same, as though the vouchers were produced, conformably to the attestation of Colonel Anderson, made as aforesaid.

Further credit allowed on accounts.

III. *Be it further ordained* by the authority aforesaid, That the individuals, the vouchers of whose accounts have been destroyed by Colonel Anderson, shall have credit until the first of May next ensuing for as much

of the taxes of the years 1784 and 1785, as they shall swear, to the best of their knowledge, to have been equal to two years interest of their demands against the State. A. D. 1785.

IV. *Be it further ordained* by the authority aforesaid, That the collectors of the taxes for the regiments of Waters, Brandon, and Roebuck, the vouchers of whose public accounts have been destroyed by Colonel Anderson, are hereby exempted from the penalties imposed on them for a neglect of duty, till the twentieth day of May next ensuing, for as much only as shall be equal to the amount of two years interest on the accounts respectively of those individuals the vouchers of whose public accounts have been destroyed; the amount of which two years interest shall be ascertained by the oath of the individual to whom such interest shall be due from the State. Collectors allowed further time to make returns.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ORDINANCE FOR THE PRESERVATION OF DEER, AND TO PREVENT** No. 1299.  
**THE MISCHIEFS ARISING FROM FIRE-HUNTING.**

WHEREAS, many idle and disorderly persons have made and do make a practice of hunting with fire, in the night time, whereby great numbers of deer are unnecessarily destroyed, and the cattle and other stock of the good citizens of this State frequently injured; for remedy whereof,

Preamble.

1. *Be it ordained*, by the honorable the Senate and House of Representatives, in General Assembly sitting, and by the authority of the same, That any person or persons who shall hereafter hunt with fire, or kill any deer, or any horse, or cattle, or other stock of any kind, in the night time, (except in their own enclosed grounds,) for every such offence shall forfeit and pay the sum of twenty pounds sterling; which penalty shall and may be recovered before any one justice of the peace and four freeholders, in the district where the offence shall be committed, and when recovered shall be paid into the public treasury, to be at the disposal of the Legislature; and the oath of one credible witness, or the confession of the party accused, shall be allowed as sufficient evidence to convict the offender, by any one justice of the peace and four freeholders, before whom information shall be made of any of the offences aforesaid; and in case any person, so convicted as aforesaid, shall refuse or neglect to pay such fine, then it shall and may be lawful for the justice of the peace before whom he shall be so convicted, to commit such person or persons to the common gaol in the county or district where the offender shall have committed the crime, there to remain, without bail or mainprize, for the space of three months.

Penalty on hunting with fire, or killing deer, horses or cattle, in the night time.

II. *And be it ordained* by the authority aforesaid, That in case any slave shall be detected in hunting with fire, or killing, in the night time, any deer, horse, or cattle, or stock of any kind, excepting within his master's offences. Punishment of slaves committing the above offences.

A. D. 1786.

enclosures, shall, on conviction thereof, before any magistrate of the county or district where the same shall be committed, receive such corporal punishment, not extending to life or limb, as the said magistrate shall direct; or, in case it shall be proved, by the oath of one credible witness, that the said offence was committed with the privity and consent of the owner or overseer of the said slave, such owner or overseer, as the case may be, shall be liable to the same penalty, to be recovered and applied in the same manner as if he had personally committed the said offence.

Limitation:

III. *And be it further ordained* by the authority aforesaid, That this ordinance, and every thing therein contained, shall continue and be of force for the space of three years from the day of the passing thereof.

In the Senate House, the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1300. *AN ACT TO AUTHORISE THE UNITED STATES, IN CONGRESS ASSEMBLED, TO REGULATE THE TRADE OF THE UNITED STATES WITH FOREIGN NATIONS.*

Preamble.

WHEREAS, it is expedient and necessary to vest in the Congress of the United States power, for a limited time and under certain restrictions, of regulating the external or foreign trade of the said States;

Congress empowered to regulate foreign trade.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Congress of the United States shall be, and they are hereby, authorised and empowered to regulate the trade of the United States with the West Indies, and all other external or foreign trade of the said States, in such way and manner, from time to time, not exceeding the term of fifteen years from the passing of this Act, as shall appear most for the general interest and welfare of the said States: Provided, nine States out of the thirteen United States assent to the same; provided also, that this Act shall not be in force until all the other States shall have given sufficient powers to Congress for the purposes aforesaid, and that nothing shall be contained in any of the said regulations which may affect the slave trade.

Former act repealed.

II. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to authorise the United States in Congress assembled to regulate trade from the British West Indies," passed the twenty-first day of March, in the year one thousand seven hundred and eighty-four, shall be, and the same is hereby, repealed.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A.D. 1796.

AN ACT to empower the Reverend Robert Smith, the Honorable John Lewis Gervais, Esquire, and Charles Cotesworth Pinckney, Esquire, to dispose of a lot of land in King-street, late belonging to Mr. John Prue, deceased. No. 1301.

(Passed March 11, 1786. *See last volume.*)

AN ACT TO EXEMPT LACHLAN MACKINTOSH FROM THE AMERCEMENT OF No. 1302.  
TWELVE PER CENT.

WHEREAS, Lachlan Mackintosh has petitioned the Legislature to be exempted from the amercement of twelve per cent ;

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Lachlan Mackintosh be, and he is hereby, exonerated and discharged from the amercement laid on him by an Act entitled "An Act L. Mackintosh  
for restoring to certain persons, therein mentioned, their estates both real and personal, and for permitting the said persons to return to this State, and for other purposes therein mentioned," passed the 26th day of March, 1784 ; any thing therein contained to the contrary in any wise notwithstanding. exempted from amercement.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

AN ACT to amend an Act entitled "An Act for establishing County Courts, and for regulating the proceedings therein." No. 1303.

(Passed March 11, 1786. *See last volume.*)

AN ACT TO ADMIT DOCTOR ALEXANDER BARON TO THE RIGHTS, PRIVILEGES AND IMMUNITIES OF A CITIZEN OF THIS STATE. No. 1304.

WHEREAS, Doctor Alexander Baron has petitioned the Legislature to be admitted to the rights and privileges of a citizen of this State ;

I. *Be it therefore enacted*, by the honorable the Senate and House of  
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Dr. A. Baron  
admitted to be  
a citizen of the  
State.

Representatives, now met and sitting in General Assembly, and by the authority of the same, That Doctor Alexander Baron be, and he is hereby, admitted to all the rights, privileges and immunities of a citizen of this State, upon his taking and subscribing the oaths of allegiance and abjuration, before any one of the judges of the State; any former law to the contrary hereof in any wise notwithstanding.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1305. AN ACT FOR APPOINTING REGISTERS OF MESNE CONVEYANCES FOR THE DISTRICTS OF BEAUFORT AND GEORGETOWN.**

WHEREAS, the Constitution of this State directs that registers of mesne conveyances shall be appointed for the different districts thereof;

Registers of  
mesne convey-  
ances to be  
appointed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, registers of mesne conveyances shall be appointed, agreeable to the constitution, for the districts of Beaufort and Georgetown aforesaid, and they are hereby respectively vested with the like powers and authorities as are exercised by the register of mesne conveyances in Charleston.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1306. AN ACT TO REGULATE THE OPENING OF DAMS ACROSS RICE GROUNDS, AND THE MAKING AND KEEPING UP DAMS FOR RESERVOIRS OF WATER.**

Preamble:

WHEREAS, the practice of making and keeping up dams across rice grounds, for the purpose of reserving water thereon during the winter, and the want of a proper law to ascertain the time when the same ought to be opened, has been attended with many inconveniencies, and often times is the cause of much contention; for remedy whereof,

Dams to be  
opened by the  
10th of March.

I. *Be it enacted* by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That every person who shall keep water during the winter upon grounds on which rice shall be planted the ensuing spring, shall, on or before the tenth

day of March next, and on the tenth day of March in each year, open the dams which keep up the water, in a sufficient manner for letting off the same; and if any person or persons shall neglect so to do on or before the time aforesaid, he or she shall forfeit and pay the sum of one hundred pounds for every such neglect, upon the complaint or information of any person or persons through whose lands such water may pass, and it shall and may be lawful for such person to inform and sue for the same, in any court of record in the district where such offence is committed, and on conviction, the one-half thereof shall be paid to the informer, and the other half to the use of the poor of such parish or district in which the cause of complaint shall lie. A. D. 1786.

*Penalty.*

II. *And be it further enacted* by the authority aforesaid, That where any person has neglected to open his or her dams in a sufficient manner for letting the water off the grounds before described, on or before the tenth day of March in every year in manner aforesaid, it shall and may be lawful for any person who may be affected thereby, at any time after the day aforesaid in every year, either by himself or herself, or his or her overseer, agent, attorney, or trustee, to apply to any magistrate in the district for a warrant of survey, who shall thereupon notify to the defendant the complaint made against him, with the time and place of meeting, and summon three freeholders, disinterested persons of the neighborhood or parish where the cause of complaint shall lie, one of whom shall be then chosen by the defendant, and in case of his refusal, then by the magistrate, another by the complainant, and the third by the magistrate, who (being first sworn before such magistrate to determine the matter in dispute justly and impartially) shall forthwith proceed to view the obstructions complained of, and if on view thereof the said freeholders, or a majority of them, shall be of opinion that such obstructions do or may prevent the party complaining from planting his or her crop of rice in proper time, then and in such case it shall and may be lawful for the said freeholders, or a majority of them, to cause the same to be immediately opened or removed in any way or manner they shall think necessary for the purpose of giving the most effectual relief to the party complaining, whereupon the defendant shall be obliged to pay all expenses attending such survey: provided always, that nothing herein contained shall extend or be construed to extend to impose any penalty on any person or persons, or to cause his or her dams or banks to be opened, who shall have made through his or her own lands a sufficient drain or drains (of which the said freeholders shall be the judges) to carry off the waters passing through the same in as expeditious a manner as they could have passed through the natural course or channel in case no such banks had been erected. Mode of obtaining redress if the dams are not opened at the proper time

*Proviso.*

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any person, at any time between the said tenth day of March, and the first day of November in every year, to apply in manner aforesaid for a warrant of survey on any obstructions which he or she may conceive do impede the conveying off any surplus water on his or her rice grounds, and which by remaining thereon may prove any way injurious, or shall at any time hereafter make or keep up any dam or dams which shall stop the course of any water so as to overflow the lands of any other person or persons whatever, without the consent of such person or persons first had and obtained, and which shall be injurious to the said person or persons, then in either of such cases the said magistrate, and the freeholders by him appointed, shall proceed in the same manner as is directed in the foregoing clause: provided always, that if in either of the cases last Obstructing waters.

A. D. 1786.

mentioned, the defendant shall neglect or refuse to attend at the survey to choose a freeholder as aforesaid, then the three freeholders who shall have been summoned by a magistrate, shall proceed to determine the matter in dispute in the same manner as if the defendant had been present, and had chosen a freeholder; which said freeholders shall in both cases certify to the said magistrate, under their hands, what shall have been by them done in the premises; the expenses attending which survey shall be paid by the party against whom the award of the said freeholders shall be given.

Penalty on persons replacing obstructions, and opposing the opening of dams.

IV. *And be it further enacted* by the authority aforesaid, That if any person, either by himself or herself, or his or her overseer, agent, attorney, or trustee, or servant or slaves, or any other person or persons acting for him or her, shall presume to stop up any dam or dams, or replace any obstructions, in any manner whatsoever, which has or have been ordered to be opened or removed by any freeholders as aforesaid, or which has or have been opened or removed by himself or herself, or his or her overseer, agent, attorney, or trustee, or by order of either of them, on the said tenth day of March, until the tenth of July; every person so offending shall forfeit and pay the sum of two hundred pounds, to be recovered and disposed of in manner as aforesaid; and if any person shall presume to obstruct, impede, or otherwise hinder or interrupt the opening of any dam or dams, or the removing of any obstructions ordered to be opened or removed by the freeholders as aforesaid, every person so offending shall forfeit and pay for every such offence the sum of five hundred pounds, to be recovered and disposed of in manner aforesaid.

Sufficient dams and wasteways to be made.

V. And whereas, the keeping of reservoirs of water by insufficient dams, and the want of proper wasteways thereto, is frequently the cause of such dams breaking and overflowing the fields of other persons, to their great damage; *Be it therefore enacted* by the authority aforesaid, that where any dam or dams have been made, or shall hereafter be made, for the purpose of forming reservoirs of water, without a sufficient wasteway, and which now are, or shall hereafter be found, inadequate to sustain the weight of water against the same, the owner of such dam or dams shall immediately, or as soon as may be, cause the same to be enlarged and strengthened, where they are already made and are insufficient, and such as may hereafter be made to be erected in a substantial manner, with a sufficient wasteway; and if any person shall neglect to strengthen his or her dam or dams already erected for the purpose aforesaid, where necessary, or shall hereafter erect any dam or dams for the purpose aforesaid, and which (in either case) in the opinion of three freeholders, or a majority of them, (to be appointed and proceed in manner hereinbefore mentioned respecting surveys of dams across rice grounds,) is or are not made and regulated in manner hereby prescribed, every person so offending shall, on complaint of any person or persons liable to be affected thereby, and on conviction thereof in any court of record in the district where such offence is committed, forfeit and pay the sum of one hundred pounds for every such offence, which may be sued for, and if recovered, be disposed of in manner aforesaid.

Penalty.

Residents only to be summoned.

VI. *And be it further enacted* by the authority aforesaid, That every person to be summoned as aforesaid, shall be a resident in the parish where his attendance shall be required, and who, upon being duly summoned, and attending any survey as aforesaid, shall be entitled to receive the sum of nine shillings and four pence per day each, for every such attendance, to be paid by the person against whom the verdict of the freeholders shall be given; and in case of the non-attendance of any person, a resident and

summoned as aforesaid, (unless prevented by sickness, or some reasonable excuse to be made upon oath to the satisfaction of such magistrate,) then, and in such case, every such person so neglecting to attend when summoned as aforesaid, and without such sufficient excuse as aforesaid, shall forfeit and pay the sum of ten pounds per day for every such neglect or refusal.

A. D. 1786.  
Penalty for  
nonattendance.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ACT TO AMEND AN ACT ENTITLED "An Act to establish a Medium of Circulation, by way of Loan, and to secure its Credit and utility." No. 1307.**

WHEREAS, it is necessary to explain and amend the Act establishing a medium of circulation, and to provide for the expense of impressing and issuing the same: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the loan office shall be paid in advance of interest one per cent. by the borrower on the principal sum borrowed, which shall be deducted from the interest to be paid at the time the same becomes due by law, and shall be appropriated by the commissioners for defraying the expense of making the paper, copperplates, and other incidental charges, including the building a small office in some convenient part of the arsenal yard, the expense of which shall not exceed one hundred pounds; and the said commissioners shall receive their salaries half-yearly, from the commissioners of the public treasury, out of any moneys coming into the treasury from the aforesaid fund. Borrowers to pay one per cent. in advance of interest.  
Salaries to be paid half yearly

II. *And be it further enacted* by the authority aforesaid, That all debts, duties, and taxes, now due or hereafter to become due to the treasury of this State, may be discharged by loan office bank bills, for and during the said term of five years, limited by the said before recited Act, and may on demand be issued out of the said treasury in payment of the civil list, and all other contingent charges of government, any law to the contrary notwithstanding. Loan office bills receivable in taxes.

III. *And be it further enacted* by the authority aforesaid, That where the commissioners shall have good reason to believe that the valuation of land made in the manner and form prescribed in the proviso of the second clause of the before recited Act, hath been dishonestly and untruly made and certified, the said commissioners shall have power to refuse the security, any thing in the before recited Act to the contrary notwithstanding. Land not truly valued, to be refused as security.

IV. *And be it further enacted* by the authority aforesaid, That the proviso in the seventh clause of the said before recited Act, be, and the same is hereby, repealed; and every person shall have a right to tender property at three-fourths the real value, although the creditor shall demand pay- Repeal of the seventh clause of the former act.

A. D. 1786. ment in the said loan office bank bills, until the first day of January one thousand seven hundred and eighty-seven.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*  
JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1308. *AN ACT TO ENCOURAGE THE DESTROYING BEASTS OF PREY.*

- Preamble.** WHEREAS, it is found necessary to give some encouragement to the destroying beasts of prey, which of late have been very mischievous to some of the interior parts of the State;
- Rewards for killing beasts of prey** I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That all and every person and persons whatever, who shall hereafter kill in this State any of the beasts of prey hereinafter mentioned, shall have the following rewards, that is, for a panther or tiger, ten shillings; for a wolf, ten shillings; for a wildcat, five shillings; which rewards shall be discountable for the public taxes of this State with the collector thereof.
- Mode of proving.** II. *And be it enacted* by the authority aforesaid, That every person killing any of the beasts of prey above mentioned, within this State, and entitled to the reward for the same, shall carry the scalp with the two ears of such beasts of prey fresh, and shall give sufficient proof to any one justice of the peace within this State, that such beast was killed within this State; such magistrate first destroying the ears, shall give such person a certificate of the same, gratis.
- Limitation.** III. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of five years from the passing thereof, and from thence to the end of the next sitting of General Assembly, and no longer.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*  
JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

No. 1309. *AN ACT* for altering the time of holding the Courts of General Sessions and Common Pleas in Charleston district.

(Passed March 11, 1786. *See last volume.*)

A. D. 1786.

**AN ACT** TO PRECLUDE ALL FURTHER ACCOUNTS DUE PREVIOUS TO THE **No. 1310.**  
EVACUATION OF CHARLESTON, FROM BEING BROUGHT IN AGAINST THIS  
STATE, OR AGAINST PERSONS WHOSE ESTATES HAVE BEEN CONFISCATED,  
AFTER THE TIME THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority <sup>Limitation.</sup> of the same, That it shall and may be lawful for all and every person and persons having demands against this State, or against any person or persons whose estates have been confiscated, to deliver in the same to the auditor at any time within three months after the passing of this Act, who is hereby ordered to receive and audit the same; and that after the time before mentioned, no accounts shall be received on any pretence whatsoever.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

**AN ACT** TO ALTER AND AMEND AN ACT FOR THE MORE EFFECTUAL **No. 1311.**  
**RELIEF OF INSOLVENT DEBTORS.**

WHEREAS, the benefits of an Act for the more effectual relief of insolvent debtors, are limited to such persons as shall surrender themselves prisoners within ten days after they are arrested, and be confined from that time in a common gaol of the State, and shall also have exhibited a schedule of their effects, with their petition, within one month from their confinement, praying for the benefits of the said Act; and whereas, many persons have been induced to give bail to actions commenced against them, and otherwise to avoid an immediate confinement, from an expectation of being able to satisfy their creditors, without an imprisonment of their persons; <sup>Preamble.</sup>

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now sitting in General Assembly, and by the authority <sup>Benefits of the former act extended.</sup> of the same, That the benefits of the said recited Act shall be, and the same are hereby, extended to all persons who now are, or hereafter shall be, in confinement for debt, notwithstanding the said persons shall not have complied with the requisite therein contained, and herein recited: provided, that the justices of the court from whence the process issued <sup>Proviso.</sup> against the said persons, shall be satisfied that they have rendered a just

*A. D. 1786.* and true account of their estates, according to the true intent and meaning of the said Act.

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1312. AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX.**

**Preamble.** WHEREAS, we, the Representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner hereinafter mentioned, should be assessed and paid into the public treasury of this State, for the use and service thereof:

**Rate of taxation on lands.** 1. *Be it therefore enacted*, by the honorable the Senate and the honorable the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of one per centum ad valorem shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp, not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds per acre; all tide swamp of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands, adjoining such swamp, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality ditto, two pounds per acre; third quality ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh, or inland swamp, clearly proved to the assessors to be incapable of cultivation, five shillings per acre.—No. 2. High river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saludy river, on the Congarees, Graves's Ford, on the Wateree, and the boundary line on Pedee, the first quality at three pounds per acre; the second quality at two pounds per acre; third quality at one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. No. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saludy rivers, Graves's ford, and the old Indian boundary line, fifteen shillings per acre. No. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on Johns Island and James Island, and on the main, within twenty miles of Charleston, at one pound per acre. No. 5. All lands on the Sea Islands, Slann's Island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class No. 4, one

pound per acre. No. 6. All oak and hickory high lands, lying below Snow Hill, the fork of Broad and Saludy rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, No. 4 and 5, at fifteen shillings per acre. No. 7. All pine barren lands, not included in classes No. 1, 4 and 5, to be assessed at one shilling per acre. No. 8. All oak and hickory high lands, lying above Snow Hill, the fork of Broad and Saludy river, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. No. 9. All oak and hickory high lands, above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael, shall be assessed upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country.

A. D. 1786.

II. *And be it further enacted* by the authority aforesaid, That the sum of nine shillings and four pence shall be levied on all negroes and other slaves whatsoever, within the limits of the State; and the sum of one per cent. on every hundred pounds value of every lot, wharf, or other lands, and on all buildings within the limits of any town, village, or borough, in this State; and the sum of nine shillings and four pence upon each wheel of every carriage; and the sum of nine shillings and four pence upon all free negroes, mulattoes and mustizoes, from sixteen to fifty years of age, and ten shillings per head on all free white men, neither lame or otherwise disabled, from twenty-one to fifty years of age, who pay no other part of the taxes imposed by this Act; and the sum of one per cent. on every hundred pounds of every person's stock in trade, of persons in trade, shop-keepers and others; and the like sum of one per centum on the profits of faculties and professions, (clergymen, schoolmasters and schoolmistresses excepted,) and factorage employments throughout this State; to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information.

Rate of taxing slaves, &amp;c.

III. *And be it further enacted* by the authority aforesaid That to facilitate the payment of the taxes hereby imposed, immediately after the passing of this Act special indents to the amount of eighty-three thousand one hundred and eighty-four pounds, be emitted, in the following words: "Pursuant to the Act for raising supplies for the year one thousand seven hundred and eighty-six, this special indent of — shall be received in payment of taxes for the years one thousand seven hundred and eighty-four, and one thousand seven hundred and eighty-five, and one thousand seven hundred and eighty-six, indiscriminately; which special indents are to be of the following denominations, viz:

Special indents to be emitted.

- Two thousand of twenty pounds, forty thousand pounds;
- Two thousand of ten pounds, twenty thousand pounds;
- Two thousand of five pounds, ten thousand pounds;
- Two thousand of three pounds, six thousand pounds;
- Two thousand of one pound ten shillings, three thousand pounds;
- Two thousand of one pound, two thousand pounds;
- Two thousand of ten shillings, one thousand pounds;
- Three thousand seven hundred and thirty-six of five shillings, nine hundred and thirty-four pounds;
- Two thousand of two shillings and sixpence, two hundred and fifty pounds;
- Nineteen thousand seven hundred and thirty-six indents—
- Eighty-three thousand one hundred and eighty-four pounds sterling:

And be printed in presence and under the direction of William Price, Thomas Ogier and Alexander Frazer, Jr., and with such devices as they,

A. D. 1786.

Indents paid  
into the trea-  
sury not to be  
re-issued.

or any two of them, shall direct, and be countersigned by one of the commissioners of the treasury, and delivered by them to the holders of indents, their agents or attorneys, to the amount of one year's interest on the principal of each and every indent, on their application, any time after the first day of April next ensuing; and on the receipt of these special indents, a receipt shall be endorsed on the principal indents respectively, for one year's interest due or to be due; and these special indents shall be issued from the treasury on no other occasion than on the application of the holders of indents, as aforesaid: and after being issued to the holders of indents, they shall be received by the collectors and treasurers in the payment of taxes for the years one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, and one thousand seven hundred and eighty-six; and after they are once paid into the treasury, they shall never be reissued, but be crossed with a pen by the treasurers and filed.

Appropriation.

IV. *Be it further enacted* by the authority aforesaid, That the monies now due or which shall become due to the State for duties on negroes, goods, wares and merchandise, entered at the treasury, before the first day of February, one thousand seven hundred and eighty-seven, are hereby appropriated, first, to the payment of the civil list; secondly, to the payment of the expenses attending the appointment of commissioners to prosecute the claim of this State against the State of Georgia, at the Federal court; and thirdly, to the payment of the whole interest, and as far as the balance will go, towards payment of the principal, of the foreign debt of this State, in proportion to the several demands.

Death to coun-  
terfeit.

V. *Be it further enacted* by the authority aforesaid, That whosoever shall alter, erase or counterfeit any of the special indents to be emitted as aforesaid, or shall pass or offer to pass any of them, knowing them to be altered, erased or counterfeited, shall, on conviction thereof, suffer death, without benefit of clergy.

Inquirers and  
collectors  
appointed.

VI. *And be it further enacted* by the authority aforesaid, That the several persons hereafter named shall be inquirers, assessors and collectors for the several parishes hereinafter mentioned, viz: for the parish of Christ Church, Peter Croft, Thomas Barksdale, Clemens Brown; for the parish of St. James, Goose Creek, Robert Thomly, Richard Withers, Stephen Mazyck, Jr.; for the parish of St. John, Berkley county, Othniel Giles, Theodore Gourdine, Rene Ravenel; for the parish of St. George, Dorchester, Isaac Walter, Joseph Waring, John Bell; for the parish of St. Thomas and St. Dannis, Thomas Karwon, Stephen Fogartie; for the parish of St. Andrew, (James Island excepted,) John Freazer, Richard Scott; for that part of the parish called James Island, William Crosskeys, senior, James Witter, Jr.; for the parish of St. John, Colleton, viz. for John's Island, James Legare; for Wadmelaw, John Patterson; for Edisto Island, Ralph Bayley; for the parish of St. Paul, that is to say, for the south side of Cacaw Swamp, as far as Colonel Skirving's, and thence along the main road to Jacksonburgh, Ponpon, Willtown and Togodo, Nathaniel Farr, Paul Hambleton, and Thomas Farr, Jr.; and for the north side of the Swamp, Beech Hill, and Horse Savannah, in the said parish, Robert Miles, Lewis Ogier, Edward Perry; for the parish of St. Bartholomew, Paul Walter, Wilson Glover, Joseph Koger; for the upper district of St. Bartholomew, viz. the northwest of Black Creek, and the main waters of the Great Swamp, directly across to Ponpon river, William Mills, William Hutson, John North; for Combahee and Chehaw, in said parish, Daniel Doyley, William Day, John Griggs; for the parish of St. James, Santee, John Blake, John Buckhannan, and Charles Gaillard; for the parish of St. Stephen, Thomas Palmer and Samuel Dubois;

for the parish of Prince George, Winyah, Samuel Dwight, Joseph Green, John Dozier, Philip Bethia, and John Baxter, of Kingston; for the parish of All Saints, Francis Alleton, David Graham, and Samuel Price; for the parish of St. David, William Powe, John Andrews, Alexander Mackintosh; for the parish of Prince Frederick, William Michaw, Gavin Witherspoon, Esq. Robert Paisley, James Gregg.

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VII. Whereas, doubts have arisen to what parish or district the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts belong, *Be it therefore enacted* by the authority aforesaid, That the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts, shall be considered as belonging to the parish of Saint Matthew; and the inquirers, assessors and collectors of the parish of Saint Matthew are hereby required and authorised to demand and recover the taxes from the inhabitants residing in the limits aforesaid, imposed by this law, and also all arrears of taxes that may be due from them for the years one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four. For the parish of St. Matthew, William Sabb, John Lord, Paul Warley; for the parish of Orange, Lewis Golson, William Hill; for the parish of St. Helena, Port Royal, William Joyner, George Hipp, Paul Frip, Jr.; for the parish of St. Peter, Purisburgh, Thomas Garnett, John Robert, Lewis Giroud, Benjamin Bush; for the parish of Prince William, Thomas Hutson, James Maine, John Lightwood; for the district to the eastward of the Wateree, Gabriel Guignard, Isham Moore, Thomas Roche, John Lawson, Henry Montgomery, Roger Wilson, James Rembert, William Boyakin, William Lang, John Lowrey, John Marshall, Benjamin Hail, Charles Miller, James Craig; for the district of Ninety-Six, Adam Craven Jones, Alexander Elliott, Hugh Wordlaw, John Moore, Aquilla Miles, John Clarke, Nathaniel Abney, John Luckie, Nathan Loosk; for the district of Saxe Gotha, Jonas Beard, John James Haig, Joseph Culpepper; for the district between Broad and Saludy rivers, in three divisions, viz. the lower district, Philemon Waters, Jacob Fullmer, John Hamton, Robert Rutherford; Little River district, Robert Maxfield, Levy Casey, Sylvanus Walker, Robert Hanna, Bartlett Satterwaite; Upper District, Samuel Otterson, Thomas Blassingame, Adam Potter, James Jordan, William Benson, Andrew Berry, Samuel Lancaster, George Salmon, William Kennedy; for the district between Broad and Catawba rivers, John Pearson, John Buchanan, Arminius Lyels, Isaac Love, Micajah Picket, Anderson Thomas, Ferdinand Hopkins, John Mills, Jr., Hugh Whitesides, Joel McLemore, Arthur Brown Ross, John Hopkins, Andrew Ellison; for the district called the New Acquisition, William Givens, John Harris, Jacob Barnet, John Howe; for the district between Savannah and the north fork of Edisto, Joseph Harley, James Farr, William Holmes.

Inquirers for the district between Orangeburgh and Charleston.

VIII. *And be it further enacted* by the authority aforesaid, That Peter Bacot, William Roper, and Edward Trescot, be, and they are hereby appointed inquirers, assessors and collectors for the parishes of St. Philip and St. Michael, Charleston.

Inquirers, &c. for St. Philip & St. Michael.

IX. *And be it further enacted* by the authority aforesaid, That every assessor and collector of the several taxes imposed by this Act, shall, before he enters on the execution of his said office, before some one of the judges of this State, or some one justice of the peace, take the following oath, to wit: "I, A B, do solemnly promise and swear that I will, to the best of my knowledge, skill and judgment, ascertain the several qualities of the lands lying and being within the — where I am appointed assessor, and where no returns of the qualities of the same shall have been

Oath of assessors and collectors.

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made; and that I will not, for any fee or reward, favor, partiality, self-interest, malice or hatred, in favor of or against any person or persons whatsoever, assign any other quality to such lands than in truth and good conscience they shall appear to me to deserve; and that I will impartially assess all other property and possessions, by this Act directed to be assessed, to the best of my judgment, according to the true intent and meaning thereof: So help me God." And if any assessor shall presume to execute the said office without having taken the said oath, such assessor shall forfeit and pay the sum of five pounds, to be recovered by any person who shall inform and sue for the same, by action of debt, in the court of common pleas.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

X. *And be it further enacted* by the authority aforesaid, That the inquirers, assessors and collectors of the parishes of St. Philip and St. Michael, or any one or more of them, are hereby ordered and directed, on or before the first Monday in October next, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they go to the said houses, and enquire into and take an account of all the real estates, and particularly in what parts of the said parishes the lands are situated, and of the slaves and other taxable property of the said inhabitants, which they shall be possessed of, interested in, or entitled unto, in their own right, or in the right of any other person whatsoever; and the inquirers in the other parishes and districts shall fix on some convenient place to receive returns, of which they shall give at least three weeks public notice.

Persons to make return of their property on oath.

XI. *And be it further enacted* by the authority aforesaid, That all persons living within this State who are possessed of any lands, slaves, carriages, (waggons, carts and drays excepted—lands whereon any churches or other buildings for divine worship or free schools are erected and built, and all slaves appurtenant to or going with such churches or lands, and all monies appropriated for charitable uses, always excepted,) either in their own right or in the right of any other persons, who are liable to pay any other tax by virtue of this Act, shall return a particular account thereof in writing to the inquirers, at such time and place as the said inquirers, or any of them, shall appoint for the doing thereof, so that the same be done on or before the first Monday in November, which shall contain an enumeration of each lot of land, with the dimensions of and improvements thereon, and of his lands, with a particular account of the situation, quantity and quality of the same, and also the number of slaves, and the number of wheels of every riding carriage, belonging to the person making the return, which shall be attested in the words following: "I, A B, do swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, slaves, and riding carriages, as are directed to be taxed by this Act, which I am possessed of, interested in, or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent, or trustee, or in any other manner whatever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all questions that may be asked me touching the same; and this I declare, without any equivocation or mental reservation whatever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby duly authorised, enjoined and required to administer; which returns shall be made to the inquirers and collectors for the parish or district respectively where the person making the return lives the greatest part of the year.

Form of the oath.

XII. *And be it further enacted* by the authority aforesaid, That where inquirers receive returns of lands without specification of the parish or district in which they lie, or of lands lying in the parish or district of which the person who receives the return is the assessor, and the qualities of which are unknown to the person making the return, the inquirers who receive such return shall, in both cases, value the lands so returned at not less than one shilling, nor more than six pounds, per acre, according to the best information they can get of the quality and situation of the land so returned.

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Ratio fixed in case of improper returns.

XIII. *And be it further enacted* by the authority aforesaid, That any two of the assessors appointed in the parishes of St. Philip and St. Michael shall be a quorum; and the said assessors shall complete their calculations of the value of estates in the said parishes, on or before the fifth day of December, and within seven days after they shall cause a duplicate thereof to be posted at the Exchange at Charleston, for ten days, of which they shall give previous notice in the Gazette.

Assessors to publish their calculations.

XIV. *And be it further enacted* by the authority aforesaid, That every person who shall have reason to believe that he or she is overrated, or whose attorney or attornies shall have reason to believe he or she is overrated, by such assessors, shall, at the time of payment of his or her tax, be allowed to swear off so much as he, she or they, or his or their attorney or attornies, shall think they are overrated, before the assessors or collectors, as aforesaid; and the said assessors and collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

Persons over-rated may swear off the overplus.

XV. *And be it further enacted* by the authority aforesaid, That all persons whomsoever, any wise liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first day of March next; and the collectors shall give a receipt, if required, to the person paying the same, such persons writing such receipt. And the said inquirers, assessors and collectors, for the parishes respectively, within this State, shall close their accounts with the treasurers, on or before the first day of May, one thousand seven hundred and eighty-seven; and at the closing of their accounts they shall exhibit two lists, one containing all the taxable property returned to them, annexed to the names of the persons who returned the same, with the sums paid by them respectively—a second, all the taxable property lying or being in the parish or district, which has come to their knowledge, and which has not been returned; which lists shall be given to the treasurers, and their accounts closed on oath, in the following words: "I, A B, do swear (or affirm, as the case may be) that the accounts I now give in, and the lists I now return, are just and true, according to the best of my knowledge; and that I have used all legal means in my power to obtain payment of the taxes imposed by this Act, in the parish or district in which I have been appointed inquirer, assessor or collector." Which oath the treasurers, or either of them, are hereby empowered and required to administer."

Taxes on real estate, &amp;c. when to be paid.

Oath.

XVI. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby authorised and required to pay to the collectors of the general tax, upon closing their accounts, for the tax to be raised by this Act, viz: for Charleston, two and an half pounds per centum, and all other collectors five pounds per cent. out of any monies in the treasury, on the amount of such sums as shall be by them or any of them paid into the public treasury. And the inquirers, assessors and collectors for each parish and district shall make their return of such parish or district respectively to the treasurers, at one and the same time; and the collectors

Allowance to collectors, &amp;c.

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for each parish or district shall give an account in writing, upon oath, as aforesaid, of their own lands and slaves, after the manner aforesaid, to the commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

Penalty on concealment.

XVII. *And be it further enacted* by the authority aforesaid, That if any person or persons in giving in or rendering his or her account of slaves or riding carriages, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax for what they so concealed.

When deemed a defaulter.

XVIII. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of the lands or slaves, or other taxable property, to the inquirers, assessors and collectors aforesaid respectively, at such time and place as they shall appoint, or agreeable to this Act, or by the first Monday in November next, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands or slaves, or other taxable property, according to the best information the inquirers can get of his or her taxable property.

Warrants to be issued against defaulters.

XIX. *And be it further enacted* by the authority aforesaid, That in case any person or persons whomsoever shall neglect or refuse to pay in his, her or their tax at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall immediately hang up for ten days a list of defaulters at the State House in Charleston, and some public place in the respective parishes or districts in the country, and if the taxes are not paid within these ten days they shall, without further delay, levy the same by virtue of a warrant, by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest to the place where such defaulter lives or resides, requiring him or them to levy the same, by distress and sale of the defaulter's goods for special indents, to be paid in special indents, or specie, or the paper medium, at the option of the purchaser, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges; and if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common gaol in the district or county where such defaulter resides; which warrant shall run in these words, *mutatis mutandis*: " — collector of the general tax for the parish or district of —, to — constable for the parish or district of —, or to the sheriff — district or county, in the State of South Carolina, or to his lawful deputy: Whereas, — hath been duly assessed by us the subscribers, collectors of the tax for the parish or district of —, the sum of —, for defraying the charges of the —, which — hath neglected to pay: these are, therefore, in the name of the State, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said —, the sum of —, together with the charges thereof: and in case the said — shall refuse or neglect to produce goods and chattels sufficient to levy the said distress and the charges thereon, that then you take the body of the said — and convey — to the common gaol in the district or county; commanding you, the keeper of said gaol, to detain the body of the said — in his custody until — shall pay the sum of —, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals, this — day of —, Anno Domini —." And the sheriff to whom such warrant shall be directed shall

Form of the warrant.

detain such person in the gaol aforesaid, without bail or mainprize, until the debt and charges aforesaid shall be paid. And the constable and constables to whom such warrant shall be directed shall take from the defaulter the following fees in the execution of their office, to be paid in the current money of the State, viz : for serving every execution, four shillings and eight pence; and for all sums to be levied as aforesaid, five per cent.; and no mileage, or any other fee whatever. And the assessors or collectors respectively, for every such warrant he or they shall issue, shall also have from such defaulter one shilling and six pence.

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Fees of constables, &amp;c.

XX. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate, to the said inquirers and collectors, by the time limited by this Act, or shall omit or neglect to pay his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time limited, the said collectors respectively where such taxable person lives, are hereby empowered and required to issue their warrant, in the same manner as above directed; and in case the said assessors and collectors shall not have just information what such person's tax doth amount to, the said warrant shall run for double what they shall judge such person ought to be rated, and such person shall be dealt with in all other respects as a defaulter.

Penalty on neglect to make return or pay tax.

XXI. *And be it further enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die between the time of giving in his or her account to the said inquirers and collectors, and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages and debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executors or administrators. And if any person, between the time of rendering the account of his or her estate to the inquirers or collectors as aforesaid, and the time of paying in his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come; unless such persons will find sureties, to be approved of by the assessors and collectors, for the payment thereof at the time appointed.

Taxables dying or departing.

XXII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds, to be sued for by the commissioners of the treasury, for the use of this State, or by any other person or persons who will sue for and recover the same, the one half to such person or persons, and the other half to the use of this State.

Penalty on officers for neglect.

XXIII. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes shall ne-

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Penalty on collectors for default.

glect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all monies received by him or them, or due to the State, on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under his or their hand and seal, to commit such assessor or collector to the common gaol in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered upon oath, to be taken before one of the justices of the peace, a full and satisfactory account of, and shall have paid, all such sums so as aforesaid by him or them collected during the time that he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies received by him which are due to the State by virtue of this or any former tax Act, and the reasonable charges of such commitment.

Vacancies how to be filled.

XXIV. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors before mentioned, should happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the Governor or Commander-in-chief for the time being is hereby empowered from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of the parish or district; and the person or persons so appointed shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Commissioners of the treasury to compel payment of arrears.

XXV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any one of them, be, and they are hereby, empowered and required to grant executions against all former constables and collectors of taxes—except the collectors and inhabitants of those parishes or districts who have not received their special indents, who shall have credit until two months after the special indents are issued to the inhabitants, or until the first day of October next, for the payment of the tax of one thousand seven hundred and eighty-five; provided, that such collectors satisfy the treasurers that the deficiency of their collection of the taxes arises from the inhabitants of the several parishes and districts not having as yet received their special indents;—and all persons in arrears for taxes, and against all assessors and collectors of the present tax, hereby imposed, if the same shall not be paid on or before the time is elapsed for paying the same; and he and they is and are hereby authorized and required to prosecute all and every person or persons whatsoever neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same for any such refusal or neglect.

Proviso.

Commissioners dying or refusing to act.

XXVI. *And be it enacted* by the authority aforesaid, That if the persons heretofore or hereby appointed to superintend the emission of special indents, should neglect or refuse to act, or die, or depart the State, his Excellency the Governor or Commander-in-chief for the time being, is hereby authorized to appoint one or more proper persons for that business, who shall respectively have the same authorities as those who are appointed by this Act.

XXVII. *And be it further enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by

him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

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Persons may plead the general issue.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said tax, when paid into the treasury, shall be appropriated and applied to and for the use of this State.

Appropriation.

XXIX. *And be it also enacted* by the authority aforesaid, That all special indents, payable in taxes for the years one thousand seven hundred eighty-four and one thousand seven hundred eighty-five, which may be still out in circulation, shall be received in taxes payable by this Act, and those receivable in the taxes for the present year, one thousand seven hundred eighty-six, shall be received for all arrears of taxes unpaid of the years one thousand seven hundred eighty-four and one thousand seven hundred eighty-five, respectively.

Special indents to be received in payment of taxes.

XXX. *And be it also enacted* by the authority aforesaid, That the funds assigned for the redemption of the special indents of the years one thousand seven hundred eighty-four and one thousand seven hundred eighty-five, be consolidated, and that the commissioners of the treasury be, and they are hereby, authorized to receive the special indents of one thousand seven hundred and eighty-four, and one thousand seven hundred eighty-five, indiscriminately, in payment of taxes, duties, and other demands, now due, or to become due before the first day of May next ensuing, in the same manner and proportion as the special indents of one thousand seven hundred and eighty-five are now receivable in similar circumstances.

XXXI. *And be it also enacted* by the authority aforesaid, That all specie which may be paid into the treasury, and subject to be exchanged for special indents of the years one thousand seven hundred eighty-four and one thousand seven hundred eighty-five, shall be exchanged only in proportion to the amount of the special indents of those two years then in circulation.

Specie received for taxes, how to be exchanged.

XXXII. *And be it further enacted* by the authority aforesaid, That every person shall be liable to pay taxes for the present year for the property, real or personal, of which he or she shall stand seised, or having the custody of, either as attorney, or agent, or executor, or in his or her own right, as tenant in fee simple, or by courtesy, or for life, or in right of his wife, on the first day of November next ensuing; and all taxes on real or personal property which shall be sold and conveyed on the said first day of November, shall be returned and paid by the seller thereof; any law, usage or custom to the contrary notwithstanding.

Time of payment.

XXXIII. *And be it further enacted* by the authority aforesaid, That all and every person or persons heretofore acting as an attorney or attorneys, trustee or trustees, for any person or persons not resident within this State, shall make oath before the collectors respectively that he hath, bona fide, renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax; provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax, as is hereinbefore directed, any thing hereinbefore contained to the contrary notwithstanding; and for levying whereof the same remedies shall be, and are hereby, given, as for levying the tax

Attornies and trustees of absent persons, liable for the taxes assessed on the property of such absentees.

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to become due by virtue of this Act, on the proper estate of such attorney or trustee.

Land, &c. of absent owners, for which taxes are not paid in two years, declared forfeit.

XXXIV. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of land, negroes, or any other taxable property, shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors appointed by this Act, then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorized and required to charge the said lands, negroes, or any other taxable property, for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably and proportionably, according to the quantity and quality of the lands, negroes, and other taxable property, as if the same were in the actual possession of some person or persons living and residing in this State, and forthwith to publish and give notice of such their charge and assessment in the several Gazettes of this State; and in case, the sum or sums of money with which such lands, negroes or any other taxable property shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within one year next after notice shall be given as aforesaid, that then such lands, negroes, or any other taxable property, shall be forfeited to this State, and shall be sold at public vendue by the commissioners of the treasury for the time being, for ready money; and all the money arising therefrom shall be retained in the public treasury, to be disposed of as the General Assembly shall see fit; any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided always, that nothing in this Act contained shall extend to prejudice the rights of infants or femme coverts, who shall be entitled to their lands, negroes, or other taxable property, upon claiming the same within two years after they come of age, or become discoverers, upon their paying and discharging all taxes and arrears of taxes that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

Proviso.

Appropriation for the foreign debt.

XXXV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, authorised and required to appropriate one fifth part of all monies that shall be received into the treasury, and pay the same from time to time into the hands of the agent appointed to remit the interest of the foreign debt of this State, to the respective creditors, in proportion, until such interest is fully paid and discharged.

Assessors to make return of confiscated lands.

XXXVI. *And be it further enacted* by the authority aforesaid, That the assessors and collectors, in the several parishes and districts of this State, are hereby required, by the first day of January, one thousand seven hundred eighty-seven, to make a return to the commissioners of forfeited estates of all lands under confiscation, situate in their respective districts and parishes.

### ESTIMATE

*Of the supplies wanted for the support of Government, for the year one thousand seven hundred and eighty-six.*

|                                                                             |             |
|-----------------------------------------------------------------------------|-------------|
| His Excellency the Governor's salary, - - - -                               | £1300 00 00 |
| Four Judges of the General Sessions and Common Pleas, at £500 each, - - - - | 2000 00 00  |
| Attorney General, - - - -                                                   | 300 00 00   |
| Five delegates to Congress at £600 each, - - - -                            | 3000 00 00  |

|                                                      |   |   |   |   |   |               |            |
|------------------------------------------------------|---|---|---|---|---|---------------|------------|
| Clerk of the Privy Council,                          | - | - | - | - | - | 150 00 00     | A.D. 1786. |
| Secretary to his Excellency the Governor,            | - | - | - | - | - | 150 00 00     |            |
| Auditor of public accounts,                          | - | - | - | - | - | 378 06 08     |            |
| Two Treasurers,                                      | - | - | - | - | - | 571 08 08     |            |
| And for their extra services, and clerks,            | - | - | - | - | - | 460 00 00     |            |
| And for one other clerk,                             | - | - | - | - | - | 140 00 00     |            |
| Clerk of the Senate,                                 | - | - | - | - | - | 287 04 08     |            |
| Clerk of the House of Representatives,               | - | - | - | - | - | 287 04 08     |            |
| Two messengers, one to each house, at £70 each,      | - | - | - | - | - | 140 00 00     |            |
| Two doorkeepers, ditto, at fifty pounds each,        | - | - | - | - | - | 100 00 00     |            |
| Powder Receiver,                                     | - | - | - | - | - | 70 00 00      |            |
| Ordnance Store-keeper,                               | - | - | - | - | - | 70 00 00      |            |
| Three Judges of the Court of Chancery, at £500 each, | - | - | - | - | - | 1500 00 00    |            |
| Commandant of Fort Johnston,                         | - | - | - | - | - | 500 00 00     |            |
| Collector of Charleston,                             | - | - | - | - | - | 500 00 00     |            |
| Collector of Georgetown,                             | - | - | - | - | - | 150 00 00     |            |
| Collector of Beaufort,                               | - | - | - | - | - | 150 00 00     |            |
| Two Waiters for Charleston, at £100 each,            | - | - | - | - | - | 200 00 00     |            |
| Searcher for ditto,                                  | - | - | - | - | - | 150 00 00     |            |
| Waiter for Georgetown,                               | - | - | - | - | - | 30 00 00      |            |
| Waiter for Beaufort,                                 | - | - | - | - | - | 30 00 00      |            |
|                                                      |   |   |   |   |   | £12,609 04 08 |            |

## INCIDENTAL CHARGES.

|                                                                                                                                        |   |   |   |   |               |
|----------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---------------|
| Expenses of the Members of the Legislature,                                                                                            | - | - | - | - | 2200 00 00    |
| Contingent fund, to remain subject to the drafts of the Governor,                                                                      | - | - | - | - | 1000 00 00    |
| Printer's bill,                                                                                                                        | - | - | - | - | 200 00 00     |
| Garrison at Fort Johnston,                                                                                                             | - | - | - | - | 1000 00 00    |
| For the transient poor,                                                                                                                | - | - | - | - | 1000 00 00    |
| The interest of the public debt of this State for the year 1786,                                                                       | - | - | - | - | 83184 00 00   |
| The commissioners to be appointed at the Federal Court, in the dispute between<br>this and the State of Georgia, ten thousand dollars, | - | - | - | - | 2333 06 08    |
|                                                                                                                                        |   |   |   |   | £90,917 06 08 |

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,  
*Speaker of the House of Representatives.*

AN ACT for incorporating the Society for the Relief of the Widows and No. 1313.  
Orphans of the Clergy of the Protestant Episcopal Church in the  
State of South Carolina.

(Passed March 22, 1786. See last volume.)

A. D. 1786.

**No. 1314. AN ACT TO AUTHORISE THE COMMISSIONERS OF THE TREASURY TO ASSIGN OVER THE SUM OF FOUR HUNDRED AND SIXTY-TWO POUNDS SEVENTEEN SHILLINGS AND SEVEN PENCE, OUT OF THE BONDS PAYABLE IN SPECIE, OF THE ESTATE OF GIDEON DUPONT, JUNIOR, SOLD BY THE COMMISSIONERS OF CONFISCATED ESTATES.**

Preamble.

WHEREAS, Josias Dupree, late of London, in the kingdom of Great Britain, did bequeath unto Jane Villepontoux a certain legacy; and whereas, it fully appears that Gideon Dupont, Jr. had the same in trust for the use of the said Jane Villepontoux, together with other moneys, amounting in the whole to four hundred and sixty-two pounds seventeen shillings and seven pence sterling; and whereas, the said Gideon Dupont having acted inimical to the liberties of the United States, the Legislature, at Jacksonburgh, did, by an Act passed the 26th February, 1782, confiscate the estate of the said Gideon Dupont, Jr., and the commissioners therein appointed have since disposed of all the estate of the said Gideon Dupont, Jr., by which the said Jane Villepontoux has no means of remedy but by the Legislature; therefore,

Commissioners  
to assign over  
a sum of mon-  
ey to Jane  
Villepontoux.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurers of the State are hereby authorised and directed to assign over to the said Jane Villepontoux the sum of four hundred and sixty-two pounds seventeen shillings and seven pence sterling, out of such bonds as are payable in specie that are lodged in the treasury for the payment of the debts of said Gideon Dupont, Jr.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1315. AN ACT for giving to the Magistrates of the County Courts the several powers and authorities of the Commissioners of the High Roads; and to repeal the seventh clause and the proviso of the eighth clause of an Act entitled "An Act for keeping in repair the several high roads and bridges within this State, and for laying out the several new roads and ferries therein mentioned," passed the twenty-second day of March, one thousand seven hundred and eighty-five.**

(Passed March 22, 1786. *See last volume.*)

**No. 1316. AN ACT to establish a Company for the Inland Navigation from Santee to Cooper River.**

(Passed March 22, 1786. *See last volume.*)

A. D. 1786.

## AN ACT TO SECURE THE CREDIT OF BILLS OF EXCHANGE.

No. 1317.

WHEREAS, it is necessary, for the advancement of commerce, to secure the credit of bills of exchange:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any bill of exchange is or shall be drawn for the payment of any sum of money, for value received, and such bill shall be protested for non-acceptance or non-payment, the same shall carry interest from the time such bill shall become due and payable, after the rate of seven per cent. per annum, until the money therein drawn for, together with damages and costs, be fully satisfied and paid. Protested bills to carry interest.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any person or persons having a right to demand any sum of money upon a protested bill of exchange, to commence and prosecute an action for principal, damages and interest, against the drawers or endorsers jointly, or against either of them separately, and judgment shall be given for such principal, damages and interest as aforesaid; and all creditors on protested bills of exchange, where the drawers or endorsers shall be dead, shall be upon an equality with bond creditors; any law, usage, or custom, to the contrary notwithstanding. Suits may be brought and recovered.

III. *And be it further enacted* by the authority aforesaid, That all bills of exchange drawn upon persons resident within the United States, and out of this State, and shall be returned protested, the damages of such protested bills shall be ten per cent. on the sum drawn for; and all bills in like manner drawn upon persons resident in any other part of North America, or within any of the West India islands, and protested, the damages shall be twelve and a half per cent.; and all bills drawn on persons resident in any other part of the world, being protested, the damages shall be fifteen per cent. on the sum mentioned in such bills respectively, and all charges incidental thereto, with lawful interest as aforesaid, until the same be paid. Damages on protested bills.

IV. *And be it further enacted* by the authority aforesaid, That in any action which hath or shall be commenced for the recovery of any bill of exchange, or any debt due and made payable in any other country, wherein the plaintiff shall recover, the jury shall have power to find a verdict with such difference of exchange as shall be just and agreeable to the true difference of exchange; any law, usage, or custom, to the contrary notwithstanding. Jury to find a verdict with difference of exchange.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1786.

**No. 1318. AN ACT FOR THE MORE EASY AND EXPEDITIOUS OBTAINING THE ADMEASUREMENT OF DOWER TO WIDOWS, OF THE LANDS OF WHICH THEIR DECEASED HUSBANDS WERE SEIZED IN FEE AT ANY TIME DURING THEIR MARRIAGE.**

**Preamble.** WHEREAS, an Act of the General Assembly of this State entitled "An Act for the more easy and expeditious obtaining the admeasurement of dower to widows, of the lands of their deceased husbands," passed the thirteenth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, hath been found by experience to be very defective in many instances :

**Former act repealed.** I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Act shall be, and it is hereby, repealed and made null and void, to all intents and purposes.

**Mode of obtaining dower.** II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for any woman who is entitled to dower or thirds in the lands of which her deceased husband was seized in fee at any time during their marriage, to apply by petition to the judges of the court of common pleas, setting forth fully and particularly her right or claim thereto, and praying a writ of admeasurement thereof, to be directed to certain persons, who shall be appointed for that purpose ; that immediately thereupon, any one of the judges of the said court shall cause a summons to be issued and directed to the heir at law of the deceased, (if of full age,) or to his or her guardian, if he or she shall be an infant, and if there be no guardian, then to the executor or administrator of the deceased, or to any other person or persons who may be in the possession of any of the said lands, commanding him, her, or them, to appear at the next court of common pleas to be held in the district where the lands are situated, that shall be held ten days after the service of the summons abovementioned, and show cause why the prayer of the petition should not be granted ; that on the return of the summons, if the heir at law or his or her guardian, (if he or she be an infant,) or any other person or persons who may be in possession of the said lands, shall appear, and shall not show sufficient cause against the petition, then the said court shall cause a writ for admeasurement of dower to be issued and directed to five persons, two of whom shall be nominated by each of the said parties, and a fifth by the court, commanding them, or a majority of them, within one [month] thereafter, (being first duly sworn for that purpose,) fairly, justly, and impartially, according to the best of their judgment, to admeasure and mete out to the said petitioner, and put her in full and peaceable possession of, one-third part of all the lands of her deceased husband ; and when they have so done, they, or a majority of them, shall immediately return a general plat of the said lands, with a certificate thereon in writing under their hands and seals, describing the manner in which they have made the admeasurement aforesaid, into the clerk's office of the said court, there to be recorded, and the same shall be final and conclusive on all parties concerned therein : provided always, that the said commissioners, or a majority of them, shall have power, and they are hereby authorized and required, in the admeasurement aforesaid, to have relation and regard to the true and real value of the lands in question ; and where the same cannot, in the opinion of a majority of them, be fairly and equally divided,

**Proviso.**

without manifest disadvantage, then they, or a majority of them, as aforesaid, shall assess a sum of money to be paid to the widow in lieu of her dower by the heir at law, or such other person or persons who may be in possession of the said land.

A. D. 1786.

III. *And be it further enacted* by the authority aforesaid, That the service of the summons shall be proved on oath by the person who served it, in open court the day on which the same is returnable; and if the person who shall be served with the said summons shall appear on that day, and, not showing sufficient cause against the petition, shall refuse to nominate two persons in the manner and for the purposes above directed, then the court shall appoint them in behalf of such heir, or other person in possession of the said land, and they, together with those nominated by the petitioner, shall make such allotment and admeasurement as before required; and the said commissioners so appointed, or a majority of them, having made due return thereof, the same shall be as effectual and binding on all parties as if done in the manner first above prescribed.

Service of  
summons to be  
proved on oath.

IV. *And be it further enacted* by the authority aforesaid, That the persons who shall be appointed to make such admeasurement of dower, or a majority of them, may, if they shall think necessary, call in to their aid one or more surveyors to run the lines of the said lands, and also the division lines thereof; and that the expenses that may be incurred in making such admeasurement of dower as aforesaid, shall be paid by the person or persons who shall claim the property, or be in possession of the said lands.

The assistance  
of surveyors  
may be called  
in.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

#### AN ORDINANCE RESPECTING SILVER AND COPPER COIN.

No. 1319.

WHEREAS, a proposal has been made by Mr. Charles Borell, for coining a quantity of silver and copper money, and paying the same into the treasury in exchange for the paper medium of this State;

Preamble.

1. *Be it therefore ordained*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by authority of the same, That if the said Charles Borell shall, within fifteen months next ensuing, import into this State copper coin to the amount in value of ten thousand pounds sterling, one moiety in pieces of the value of one penny each, and the other moiety in pieces of the value of half penny each, according to the standard of British half pence, and silver coin to the value of twenty thousand pounds sterling, that is to say, three-fourths in pieces to the value of one shilling each, and the other fourth in pieces of the value of six pence each, which pieces shall be of the same weight as English shillings and sixpences, and contain an alloy proportioned to that of the French crowns, and shall be impressed, stamped, and made with the figures, words, and devices, and in such way and manner as the Governor shall direct, and shall be respectively called a penny, a half penny, a shilling, and a sixpence; and if the said coin shall, on being

Amount and  
standard of  
copper and  
silver coin.

A. D. 1786.

Death to coun-  
terfeit.

assayed in the presence of the treasurers, be found to be of the value above mentioned, according to the standard aforesaid which the Governor, on a certificate thereof from the treasurers, shall cause to be notified by proclamation, the treasurers shall and may receive the same in exchange for the paper medium of this State, and give the said medium in exchange for the said coin; and that the said coin shall be the lawful money of this State, receivable and issuable as such, at the value aforesaid, in all payments at and from the treasury, and a tender in law according to the rates and value aforesaid, in satisfaction of all private contracts; and that the counterfeiting, clipping, defacing, or debasing the same, shall be felony without the benefit of clergy.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1320. *AN ORDINANCE* TO ENABLE THE ATTORNEY OF BARON DE BERENGER DE BEAUFAIN TO SELL AND DISPOSE, FOR HIS BENEFIT, CERTAIN LANDS WHICH BELONGED TO HECTOR BERRINGER DE BEAUFAIN.

Preamble.

WHEREAS, Baron de Berenger de Beaufain, of Eslang, in Franconie, hath, by his petition to the Legislature, set forth that Hector Berenger de Beaufain, deceased, was at the time of his death seized in fee and possessed of two tracts of land in this State, one containing eight hundred acres, granted to him on the tenth day of December, in the year of our Lord one thousand seven hundred and thirty-six, and the other containing eight hundred and fifty acres, granted to him on the first day of June, one thousand seven hundred and thirty-eight; that being so seized and possessed, he, by his last will and testament, bearing date on the twenty-seventh day of September, one thousand seven hundred and sixty two, after several specific and pecuniary legacies, gave the residue of his estate (in which residue those lands were included) to the said petitioner; that he is the nephew and heir at law of his said uncle, but that the said will was not executed according to the statute of frauds, and the said petitioner is an alien; that his coming to this State and residing here the time necessary to acquire the rights of citizenship, would be very inconvenient to his private affairs; that persons in the vicinity of said lands have cut a great deal of timber, and are continually trespassing thereon, whereby the said petitioner has already sustained considerable damage, and is likely to suffer much more, without the aid of the Legislature; that the said petitioner hath sent instructions to John Rutledge, Esquire, to sell and dispose of the said lands for the said petitioner's benefit, but was advised under his present circumstances his title was incomplete, and therefore prayed that the Legislature would pass an Act for enabling his said attorney to sell and dispose of the said lands for the said petitioner's benefit, that so his uncle's intentions might be carried into effect without delay, expense, or injury to the petitioner:

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

authority of the same, That John Rutledge, Esquire, as the attorney of Baron de Berenger de Beaufain, of Eslang, in Franconie, shall be, and he is hereby, fully authorized, empowered, and enabled, to sell and dispose of, for his benefit and behoof, two tracts of land in this State, the one containing eight hundred acres, granted to him on the tenth day of December, in the year one thousand seven hundred and thirty-six, and the other, containing eight hundred and fifty acres, granted to him on the first day of June, in the year one thousand seven hundred and thirty-eight; and to make and execute good and sufficient titles in fee simple to the purchaser or purchasers of the said lands.

A. D. 1786.

Attorney appointed.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ORDINANCE FOR PREVENTING OF INDENTS BEING MADE A SETOFF No. 1321.  
AGAINST DUTIES AND TAXES DUE THE PUBLIC.**

WHEREAS, the present mode of sinking the public debt due on indents, by a payment of the annual interest, is found to be the only method the public of this State can at present adopt, consistent with the means of supporting the expenses of Government and the credit thereof, and it is evident that to allow such indents to be made a tender in law against public demands, or to be made a setoff by discount, action, or otherwise, against debts due to the public, would involve this State in the most ruinous circumstances, and cut off every resource for supporting the credit and efficacy of her Government, both at home and abroad;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, in General Assembly now met and sitting, and by the authority of the same, That it shall not be lawful for any person or persons to sue the treasurers of this State for any indent or indents due from the public of this State, or hereafter to be due, or for any such indent or indents to be pleaded in discount by way of setoff, or otherwise by action discounted or setoff, or proceeded on, against any suit already brought or to be brought by the treasurers of this State, for moneys due the same; but that every such suit so brought or to be brought, and every such discount so pleaded or to be pleaded, shall be void and discontinued, and of no effect; any law, or usage, to the contrary in any wise notwithstanding.

Treasurers are to be sued for indents, nor indents to be made a setoff for duties and taxes.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1786.

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No. 1322. AN ACT for incorporating divers Religious Societies therein named.

(Passed March 22, 1786. *See last volume.*)

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No. 1323. AN ACT for incorporating the Beaufort Society and the St. Helena Society.

(Passed March 22, 1786. *See last volume.*)

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No. 1324. AN ACT for laying out several new Roads, and for establishing divers Public Ferries, therein mentioned.

(Passed March 22, 1786. *See last volume.*)

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No. 1325. AN ORDINANCE for establishing a County and County Courts in the new ceded lands on the north side of Saluda river.

(Passed March 22, 1786. *See last volume.*)

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No. 1326. AN ACT TO CONFER CERTAIN RIGHTS AND PRIVILEGES ON ALIENS,  
AND FOR REPEALING THE ACTS THEREIN MENTIONED.

Preamble. WHEREAS, it is expedient to admit aliens to some of the rights and privileges of citizens, and to exclude them from others, to which they become entitled by a temporary residence in the State and taking the oath or affirmation of allegiance;

Terms required for citizenship. 1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons (alien enemies, fugitives from justice, and persons banished from either of the United States excepted) who shall reside in this State for one year, and take and subscribe the oath or affirmation of allegiance before one of the judges of the common pleas, (who shall give to such person a certificate of his having taken the said oath or affirmation,) shall be deemed citizens, and entitled to all the rights, privileges, and immunities, to that character belonging: provided always, that no such person shall be entitled to vote at the election of members of the Legislature, or of the city council, nor qualified to serve on juries, (except on coroners inquests, juries *de medietate linguae*, or

special juries in the court of common pleas,) nor be eligible to the office of Governor, Lieutenant Governor, Privy Councillor, delegate to Congress, intendant of the city, or a member of the city council, nor to a seat in the Legislature, until he shall have been naturalized by a special Act of the General Assembly; and provided also, that no person, although a citizen, having or holding any place or pension from a foreign State or potentate, shall be eligible to be a member of the Legislature, or capable of holding any executive or judicial office in the State.

A. D. 1786.

II. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly entitled "An Act to confer the rights of citizenship on aliens," passed the 26th March, 1784, and another Act entitled "An Act to make aliens free," passed the 4th of November, 1704, shall be, and the same are hereby, repealed: provided always, that nothing herein contained shall be construed to deprive any person of the rights and privileges to which he is now entitled by the Act first above mentioned, or to deprive any person now resident in this State, of the rights and privileges which such person would acquire if the said Act had remained in force.

Former act repealed.

Proviso.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ACT<sup>r</sup> RESERVING CERTAIN LANDS FOR THE PRESENT USE AND OCCUPATION OF THE CHEROKEE INDIANS; AND TO EXTEND THE TIME OF PAYMENT FOR NEW GRANTED LANDS, IN THE MANNER THEREIN MENTIONED.** No. 1327.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the land lying and being within the chartered boundaries of this State, to the north and northwest of a line running from the top of the Oconnie mountain, northeast till it intersects the North Carolina boundary and the top of the said mountain, southwest till it intersects the river Toogooloo, is hereby declared to be reserved to the Cherokee nation of Indians, for their present use and occupation; and all grants, sales, or conveyances, which hath heretofore, or shall hereafter be obtained within the chartered boundaries of this State, and to the north and northwest of the before recited temporary line, shall be, and the same is hereby declared to be, null and void, any law to the contrary notwithstanding.

Lands to be reserved for the Cherokees.

II. And whereas, the unforeseen delay of settling the public accounts hath rendered it impracticable for persons who have accounts in the auditor's office unsettled, to pay for their lands by the first day of June next, according to an Act entitled "An Act to alter and amend an Act entitled an Act for establishing the mode and conditions of surveying and granting the vacant lands within this State," passed the twelfth day of October, one thousand seven hundred and eighty-five; *Be it therefore enacted* by

Unsettled accounts.

A. D. 1786.

the authority aforesaid, that no lands granted, or to be granted, to any person whatsoever, shall be liable to be sold for non-payment of the purchase money due for the same, until the end of the next meeting and sitting of the General Assembly.

Persons neglecting to pay fees for surveys

III. *And be it further enacted* by the authority aforesaid, That where any land has been located, and returned to the location office from whence the warrant of survey issued, and the person or persons obtaining such survey shall neglect to pay the fees and pass the same through the said office within three months after the date thereof, or within six months from the date of any future survey, then the commissioners of locations in the district where such survey is made, shall certify the said survey or surveys for any person or persons applying for the same, and paying the fees thereon, in the same manner as is done in the surveyor general's office; any law to the contrary notwithstanding.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1328. *AN ACT* TO FACILITATE THE ISSUING THE PAPER MEDIUM OF CIRCULATION, PROVIDED TO BE ISSUED BY AN ACT PASSED THE TWELFTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE.

Preamble.

WHEREAS, by issuing the paper of circulation in the denominations directed by an Act entitled "An Act to establish a medium of circulation by way of loan, and to secure its credit and utility," passed the twelfth day of October, one thousand seven hundred and eighty-five, would be attended with great delay and unnecessary expense;

Part of a former clause repealed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the first clause of the said before recited Act as prescribed the denomination of the bills thereby to be issued, shall be, and the same is hereby, repealed; and the said one hundred thousand pounds shall be issued in bills of the following denominations, that is to say, six thousand two hundred and fifty bills of ten pounds; six thousand two hundred and fifty bills of three pounds; six thousand two hundred and fifty bills of two pounds; six thousand two hundred and fifty bills of one pound; any thing in the before recited Act, or any other, to the contrary notwithstanding.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A. D. 1786.

**AN ORDINANCE** FOR REPEALING AN ORDINANCE, PASSED THE TWELFTH DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE, ENTITLED "*An Ordinance to authorize and require Colonel Anderson to collect a set of vouchers from the regiments of Waters, Brandon, and Roebuck, for the relief of those public creditors the vouchers of whose accounts have been destroyed by Colonel Anderson;*" AND FOR FIXING THE MODE OF SETTLING THE ACCOUNTS OF SAID REGIMENTS BY THE AUDITOR GENERAL OF PUBLIC ACCOUNTS. No. 1329.

WHEREAS, the above recited Ordinance passed in consequence of misinformation, and not giving to Colonel Anderson a hearing on the subject of the accounts and vouchers of the said three regiments; Preamble.

I. *Be it ordained* by the honorable the Senate and House of Representatives, in General Assembly now met, and by the authority of the same, That the said Ordinance shall be, and the same is hereby, repealed; and for the more speedy adjusting of the accounts of the said regiments of Waters, Brandon, and Roebuck, Former ordinance repealed.

II. *Be it further ordained*, by the authority aforesaid, That the auditor general shall be, and he is hereby, authorized and required to proceed as soon as may be after the passing of this Ordinance, to make a statement of and to audit all such accounts due to the said regiments for militia duty, as are included in the returns of Colonel Anderson; which said accounts are to be adjusted and audited in the same way and after the same manner in which he audited the accounts of Purvis's, Casey's, and Anderson's regiments; any thing in any former law notwithstanding. Auditing the accounts of regiments.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**AN ORDINANCE** FOR ESTABLISHING A WAREHOUSE OR WAREHOUSES FOR THE INSPECTION AND STORAGE OF TOBACCO, AT MAYSON'S FERRY, ON SAVANNAH RIVER, AND THE ÆRA IRON WORKS, IN YORK COUNTY. No. 1330.

WHEREAS, it is necessary to have more warehouses for the inspection and storage of tobacco, and the places hereinafter mentioned are convenient for such warehouses; Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a warehouse or warehouses for the inspection of tobacco, shall be forthwith erected at the ferry on Savannah river which is vested in James Mayson and his assigns; and that a warehouse or warehouses for the inspection of tobacco shall be forthwith erected at or near the Æra Iron Works, in York county, which shall be vested in William Warehouses established with the usual regulations.

A. D. 1786.

Commissioners  
appointed.

Hill and his assigns; that the proprietors of the said warehouses shall be entitled to the same storage, and the inspector or inspectors, and picker or pickers, of tobacco thereat, liable to the same duties and penalties, and entitled to the same fees and perquisites, as the proprietors of the warehouses already established at Snow and Spring Hills, and the inspectors and pickers of tobacco thereat are entitled or subject to by an Act entitled "An Act for regulating the inspection and exportation of tobacco," passed the twenty-fourth day of March, one thousand seven hundred and eighty-five; and that Field Perdue, Thomas Lamar, of Horse Creek, and Nathaniel Bacon, shall be, and they are hereby appointed, commissioners for carrying this Ordinance into effect respecting the warehouse or warehouses to be erected at Mayson's ferry, on Savannah river; and that William Bratton, Andrew Love, and Francis Adams, shall be, and they are hereby appointed, commissioners to carry this Ordinance into effect respecting the said warehouse or warehouses to be erected at or near the Æra Iron Works, in York county, and vested with the same power and authorities as are given by the said Act to the commissioners thereby appointed.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1331. AN ACT TO AUTHORIZE THE SURVEYOR GENERAL AND REGISTER OF MESNE CONVEYANCES TO OCCUPY TWO ROOMS IN THE STATE HOUSE.**

Preamble.

Surveyor Gen-  
eral's and Re-  
gister's office.

WHEREAS, it is necessary that the surveyor general and register of mesne conveyances should hold their respective offices in the State House;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the surveyor general shall have a right to occupy for his office the room in the State House formerly used by the grand jury, at the west end of the State House; and the register of mesne conveyances shall have a right to use and occupy for his office the room at the east end of the State House, of which he is already possessed.

In the Senate House, the twenty-second day of March, one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1332. AN ORDINANCE to empower the company for the opening the inland Navigation between Santee and Cooper rivers, to import into this State three hundred Negroes; and for other purposes therein mentioned.**

(Passed March 26, 1786. See last volume.)

A. D. 1786.

**AN ACT TO APPOINT COMMISSIONERS TO PURCHASE LAND FOR THE PURPOSE OF BUILDING A TOWN, AND FOR REMOVING THE SEAT OF GOVERNMENT THERETO.** No. 1333.

WHEREAS, the continuing the seat of government in the city of Charleston is productive of many inconveniencies and great expense to the citizens of this State; for remedy whereof,

Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners hereinafter directed to be appointed shall be, and they are hereby, authorized and required to lay off a tract of land of two miles square, near Friday's ferry, on the Congaree river, including the plain of the hill whereon Thomas and James Taylor, Esquires, now reside, into lots of half an acre each, and the streets shall be of such dimensions, not less than sixty feet wide, as they shall think convenient and necessary, with two principal streets, running through the centre of the town at right angles, of one hundred and fifty feet wide; which said land shall be, and the same is hereby declared to be, vested in the said commissioners, and their lawful successors, for the use of this State.

Commissioners to lay off a tract for the town.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall first value the said land, allowing a generous price for the same in its present state, without reference to its future or increasing value, which valuation shall be paid to the proprietors out of the first moneys arising from the sale of the lots hereinafter directed to be sold.

Value to be paid the proprietors.

III. *And be it further enacted* by the authority aforesaid, That as soon as the said tract of land shall be laid off into lots as aforesaid, a square or squares, containing in the whole eight acres, shall be reserved by the commissioners for the purpose of erecting such public buildings as may be necessary, and which reserve shall be in such part of the said town to be hereafter built, as shall be most convenient and ornamental; and the said commissioners shall thereupon proceed to sell one-fifth of the remainder of the said lots to the highest bidder, at a price not less than twenty pounds each lot, giving three months public notice in the State Gazette, on a credit of twelve months, taking bond with sufficient security, for the purchase money, and when due, shall immediately proceed to sue for and recover the same.

Reservation for public buildings, and lots to be sold by the commissioners.

IV. *And be it further enacted* by the authority aforesaid, That as soon as the commissioners, or their successors, shall be possessed of such funds arising from the sale of lots, or by subscription, loan, or otherwise, they shall proceed to contract for the building a State House, with convenient rooms for the reception of the General Assembly, courts of justice, and the officers necessarily required for each, secretary of the State, treasury, surveyor general, and such other public officers as may be appointed by law, and also a convenient house for the residence of the Governor or Commander-in-chief for the time being; the contract for which said public buildings, either in whole or in part, shall be let to the lowest bidder, who shall be able and willing, giving good bond and surety, with sufficient penalty, to erect and complete the same, on the most frugal plan which, in the opinion of the commissioners, the honor and interest of the State will admit of.

State House, &amp;c. to be built by contract.

V. *And be it further enacted* by the authority aforesaid, That every purchaser of a lot in the said town to be hereafter erected, shall be obliged to build thereon a frame, wood, stone, or brick house, not less than thirty

A. D. 1786.

Purchasers of  
lots to build  
within 3 years  
or pay a forfeit.

feet long and eighteen feet wide in the clear, with brick or stone chimneys, within the space of three years from the time of such purchase; and any purchaser failing herein shall forfeit and pay annually five per cent. upon the purchase money of each lot so bought, until he shall have complied with the directions of this Act.

Inhabitants  
may reserve  
two acres.

VI. *And be it further enacted* by the authority aforesaid, That Thomas and James Taylor, Esquires, or any other inhabitants, owners of the land, who have already dwelling-houses erected within the limits of the said two miles square, shall, if they so choose, have liberty to reserve to each of them two acres, now their own property, in the said town, including their dwelling-houses, in which case the same shall not be included in the valuation of the said land: provided, nevertheless, that they shall not be at liberty to build thereon in any way inconsistent with the plan on which the town shall be laid out, nor shall they claim any property in the soil which may happen to fall within the limits of any of the streets.

Name of town.

VII. *And be it further enacted* by the authority aforesaid, That the said town shall be called and known by the name of Columbia.

To be the seat  
of government.

VIII. *And be it further enacted* by the authority aforesaid, That as soon as the public buildings hereinbefore mentioned shall be erected, either in whole or in part, in such manner as shall be sufficient to accommodate the Legislature and officers employed in the executive departments of government, the said town shall be the seat of government of this State.

Commissioners  
to be elected.

IX. *And be it further enacted* by the authority aforesaid, That five commissioners shall be elected by the joint ballot of the Senate and House of Representatives, who shall give bond with two good and sufficient securities, to be approved of by the Governor or Commander-in-chief for the time being, in the sum of five thousand pounds each, for carrying the purposes of this Act into execution, and who shall be allowed to retain two and a half per cent. on the amount of the sale of the said town lots, and which shall be a full compensation for their trouble, and in lieu of all their expenses, except the surveyor's charges for laying out the said town; and if any of the said commissioners shall die or resign, or shall remove out of this State for a longer term of time than one year, the Governor or Commander-in-chief for the time being shall, with the advice and consent of the Privy Council, appoint a fit person to fill up such vacancy until the next meeting of the General Assembly, and such commissioner or commissioners so appointed shall be vested with the same powers and authorities, and shall be required to give the same securities, as those who shall be elected by the joint ballot of the Senate and House of Representatives.

Governor to fill  
vacancies.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE.

*Speaker of the House of Representatives.*

No. 1334. AN ORDINANCE for improving the Navigation of Goose Creek, in Charleston district, and for better Draining the Low Lands in its vicinity.

(Passed March 22, 1786. See last volume.)

A. D. 1786.

**AN ORDINANCE TO APPOINT COMMISSIONERS TO ASCERTAIN AND SETTLE THE BOUNDARIES OF THIS STATE WITH THE STATES OF GEORGIA AND NORTH CAROLINA; AND TO AUTHORIZE HIS EXCELLENCY THE GOVERNOR TO APPOINT AGENTS TO ACT IN BEHALF OF THIS STATE AT THE FEDERAL COURT, IN THE CONTROVERSY BETWEEN THIS STATE AND THE STATE OF GEORGIA, RELATIVE TO BOUNDARY.** No. 1335.

SETTLE THE BOUNDARIES OF THIS STATE WITH THE STATES OF GEORGIA AND NORTH CAROLINA; AND TO AUTHORIZE HIS EXCELLENCY THE GOVERNOR TO APPOINT AGENTS TO ACT IN BEHALF OF THIS STATE AT THE FEDERAL COURT, IN THE CONTROVERSY BETWEEN THIS STATE AND THE STATE OF GEORGIA, RELATIVE TO BOUNDARY.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That three commissioners be chosen by joint ballot of the Legislature, which commissioners, or a majority of them, when chosen, shall be, and they are hereby, invested with full and absolute power and authority, in the behalf of this State, to settle and compromise all and singular the differences, controversies, disputes, and claims which subsist between this State and the State of Georgia, relative to boundary, and to establish and permanently fix a boundary between the two States; and this State shall and will at all times hereafter ratify and confirm all and whatsoever the said commissioners, or a majority of them, shall do in and touching the premises, and the same shall be forever binding on this State: provided always, that the commissioners to be appointed by the State of Georgia shall have as extensive powers vested in them by the State of Georgia, as are above vested in the commissioners of this State.

Commissioners  
to settle all dif-  
ferences, &c.

Proviso.

II. And as it may so happen that the said commissioners may not be able to settle and compromise the above differences, but it may be necessary to have the same decided by a federal court; *Be it ordained*, by the authority aforesaid, that his Excellency the Governor or Commander-in-chief for the time being, be, and he is hereby, empowered to appoint proper persons to prosecute the claim, and to manage the affairs of this State in the federal court, with full power and authority to do, transact, perform, and execute all and every such matters and things touching the same, as shall be requisite and necessary; and this State shall and will at all times hereafter ratify and confirm what shall be so done, transacted, performed, or executed.

Governor to  
appoint agents  
in behalf of this  
State to a fed-  
eral court.

III. *And be it further ordained* by the authority aforesaid, That three commissioners be chosen by joint ballot of the Legislature, which commissioners, or a majority of them, when chosen, shall be, and they are hereby, invested with full and absolute power and authority, in behalf of this State, to settle and compromise all and singular the differences, controversies, disputes, and claims which subsist between this State and the State of North Carolina, relative to boundary, and to establish and permanently fix a boundary between the two last mentioned States; and this State shall and will, at all times hereafter, ratify and confirm all and whatsoever the said commissioners, or a majority of them, shall do in and touching the premises, and the same shall be forever binding on this State: provided always, that the commissioners to be appointed by the State of North Carolina, shall have as extensive powers vested in them by that State, as are hereby vested in the commissioners of this State.

Commissioners  
have power to  
fix a boundary  
and settle dif-  
ferences with  
N. Carolina.

Proviso.

IV. *And be it further ordained* by the authority aforesaid, That his Excellency the Governor or Commander-in-chief for the time being shall

Governor may  
draw for ex-  
penses.

A.D. 1786.

be, and he is hereby, empowered to draw upon the treasury for any sum or sums not exceeding ten thousand dollars, for the reasonable expenses of the said commissioners, and for carrying this Ordinance into full execution.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

**No. 1336. AN ACT FOR REPEALING THE THIRTY-SIXTH CLAUSE OF THE JURY LAW;  
AND FOR OTHER PURPOSES THEREIN MENTIONED.**

Preamble.

WHEREAS, the frequent calling special courts for trying causes of transient persons is found to give such persons remedies and advantages superior to those enjoyed by citizens;

Thirty-sixth  
clause of the  
jury law and  
two other acts  
repealed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now sitting in General Assembly, and by the authority of the same, That the thirty-sixth clause of the said Act commonly called the jury law, passed the twentieth day of August, in the year of our Lord one thousand seven hundred and thirty-one; and also an Act passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, entitled "An Act for regulating trials in the courts of justice in this State, between subjects of foreign nations in alliance or neutrality with the United States, and the citizens thereof, and for other purposes therein mentioned;" and also such parts of an Act entitled "An Act to alter and amend the thirty-sixth clause of an Act of this State, commonly called the jury law, and for altering the time of holding the courts of sessions and common pleas," passed the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four—be, and the said clauses and Act is and are, hereby, repealed.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

A.D. 1786.

**AN ACT TO INVEST IN PETER BELIN, AND HIS ASSIGNS, THE EXCLUSIVE RIGHT OF CONSTRUCTING AND VENDING SUNDRY USEFUL WATER MACHINES, DURING THE TIME THEREIN LIMITED. No. 1337.**

WHEREAS, the said Peter Belin hath, by his humble petition, represented that, at much labour, attention, hazard and expense, he hath discovered and introduced into this State three several principles of water works : one to overflow with water the surface of any tract of land twenty-six feet or more above the level of any river or water course, at a cheap, easy and expeditious rate—also another, to drain sunken or low overflowed lands, down to any depth, and to throw water up to any height, from one to two hundred feet perpendicular—and also, a certain other machine, that will, in eighteen months, or two years at farthest, freshen any salt marsh land, so as to make it fit for the culture of any kind of produce suitable for this climate, and at the same time to beat out rice, to grind, or saw lumber in a certain, regular, constant and easy manner; and that all the said water works are constructed upon plain, easy and simple principles, and may be built at a moderate expense, and will be of great utility to the citizens of this State; therefore, praying that he might have the sole and exclusive right of building, erecting, constructing and vending the said water works within this State, for the term of fourteen years, pursuant to the terms of an Act of this State, passed on the twenty-sixth day of March, one thousand seven and eighty-four, entitled “An Act for the encouragement of Arts and Sciences;” and whereas, it may tend much to the improvement of agriculture, and otherwise advance the prosperity of the citizens of this State, if proper encouragement was given to the discoverers, improvers and constructors of such most advantageous principles and beneficial water works :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the said Peter Belin and his assigns shall have the sole and exclusive right and liberty of erecting, building, constructing and vending within this State the said three several water works, for and during the term of 14 years, to commence from the day of the first publishing thereof; and if any person or persons shall or will, during the said term herein limited, erect, build, construct or sell any such water works on the said three different principles aforesaid, or any of them, without the leave, license or permission of the said Peter Belin, or his heirs or assigns, first had and obtained, in writing, signed by him or them, in the presence of two or more credible witnesses, contrary to the true intent and meaning of this Act, every such offender shall forfeit and pay the sum of one hundred pounds, one moiety whereof to the State, and the other to the said Peter Belin, his heirs or assigns, or any other person or persons who shall or may sue for the same; to be recovered in any court of record of the said State, by action of debt, bill, plaint or information, in which no wager of law, essoin, privilege or protection, or more than one imparlance, shall be allowed.

II. *And be it further enacted* by the authority aforesaid That in order to prevent any person or persons from pleading ignorance of the principles on which the said several water works are constructed and built, the said Peter Belin shall, immediately upon the passing of this Act, enter or

Preamble.

Peter Belin vested with an exclusive right for 14 years.

Penalty on any person infringing said right.

Said P. Belin to furnish models of his water works.

A. D. 1796.

On refusal to construct said works for any citizen, or overcharge, to be summoned by the court.

deliver in, upon oath, regular and exact plans or models, signed by him, of each of the said respective water works, into the Secretary's office of this State, there to remain on record, to which all persons shall, at all office hours, have recourse for inspection and examination; of which the said Secretary is hereby required to give a certificate to the said Peter Belin, for his having so entered or delivered in the same, as the case may be.

III. *And be it further enacted* by the authority aforesaid, That if the said Peter Belin, or his assigns, shall or will, at any time or times during the continuance of this Act, upon the reasonable application of any citizen or citizens of the said State, refuse to build, erect or construct any such water works as aforesaid, or shall and will ask and demand more for the same than a just and reasonable price or compensation for his or their labour, time, expenses and risque of sale, the judges of the court of common pleas in this State, on complaint made thereof to them in writing, are hereby authorised, empowered and directed to summon the said Peter Belin or his assigns to appear before them at the then next court of common pleas at Charleston, or in any of the districts of the said State, as the case may require, and the said court is hereby authorised and required to enquire into the justice of the said complaint, and if the same be found true, to take sufficient recognizance or security from the said Peter Belin or his assigns, conditioned that he or they shall or will, in such reasonable time as the said court shall direct, build, construct or erect such water works, at such reasonable prices as the said court shall on due consideration affix; and if the said Peter Belin or his assigns shall, before such court, neglect or refuse to give such security as aforesaid, the said court is hereby authorised and empowered to give such complainant a full and ample licence to build, construct and erect such water works as aforesaid, or such numbers of them as the said court shall judge just and reasonable; provided always, that such complainant shall give sufficient security before such court to build and construct such water works at such reasonable price as the said court shall affix.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

No. 1338. *AN ACT TO AMEND THE CONFISCATION ACT; AND FOR OTHER PURPOSES THEREIN MENTIONED.*

Commissioners empowered to sell estates again, or sue defaulters to a settlement.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of forfeited estates, and the commissioners appointed to sell the public lands in Charleston, Beaufort, and Island of Pawlawhana, are hereby authorised and empowered, respectively, either to sell again, or commence actions against all defaulters, in any of the courts of law, or in the court of chancery, to compel such defaulters to a settlement for the purchases by them respectively made, as

shall appear to the said commissioners most to the advantage of the State, for all public property which hath been sold, and shall not be settled for within two months from the passing of this Act; and that the said commissioners respectively shall have the same powers, and be authorised to proceed in the manner above mentioned, in case of non-compliance of the purchasers at any future sale, provided the purchaser shall not comply with the terms of such future sale; and that all future sales of public property shall be on a credit of two years only, and payable in indents from the treasury of this State, and the interest as heretofore to be paid in indents annually, except sales for the benefit of creditors.

A. D. 1786.

II. *And be it enacted* by the authority aforesaid, That in all cases where public property hath been sold by mistake, and bonds for the same are or shall be lodged in the treasury, that the Governor and any three of the privy council shall have full power and authority to investigate such claim, and if clearly proved to be well founded, his Excellency the Governor shall then direct the commissioners of the treasury to return such bonds to the persons who gave them, such person being willing to give up the purchase; and in case the purchaser should be unwilling to return such property, then to direct the commissioners of the treasury aforesaid to assign over the bonds for which the property sold, to the claimant, provided he is willing to receive such assignment.

Remedy where  
property has  
been sold by  
mistake.

III. And whereas, some doubts have arisen on the construction of the last clause of the Amercement Act, passed twenty-fourth March, one thousand seven hundred eighty-five; and whereas, also, the tendering common indents, at their present depreciated and uncertain value, for commissions, where sales, as in many cases, were but little if any higher than for specie, would be reducing the commissions to an inconsiderable sum, not equal to the expense and trouble of the service; *Be it therefore enacted* by the authority aforesaid, That the said clause be, and the same is hereby, altered, so far as relates to commissions being paid in common indents by the persons whose estates have been restored; and that such persons be obliged to pay said commissions in specie or in the paper medium to be issued, for all sales made previous to the first day of November, one thousand seven hundred eighty-four; and that for all after sales, except where for specie, for the benefit of creditors, one fourth per centum, that is to say, five shillings on every hundred pounds, shall be paid in the manner and by the persons aforesaid; and that all persons who have neglected to pay the surveyor's fees and other expenses, shall not avail themselves of the benefit of the Act entitled "An Act for regulating Sales under Execution, and for other purposes therein mentioned."

Last clause of  
the Amercement  
Act  
altered.

IV. *Be it further enacted* by the authority aforesaid, That as soon as a majority of creditors, where demands have been liquidated against any person or persons whose estate has been confiscated, shall fix upon a proper person or persons for that purpose, the commissioners of the treasury shall be, and they are hereby, authorised and required to assign over to such person or persons, in trust for all the other creditors of such person whose estate has been confiscated as above mentioned, a bond or bonds, equal to the amount of such demands where the sale was for specie, for the benefit of creditors; and where sold payable in indents, shall assign over a bond or bonds, or such indents as have been paid in for the same, to the amount of such demands, to be divided amongst said creditors respectively, in proportion to their several demands; and in case the amount of the bond or bonds assigned on such indents as shall have been paid in as aforesaid, is more than the amount of the demands of such creditors, then the trustee

Mode of relief  
to the creditors  
of persons  
whose estates  
have been  
confiscated.

A. D. 1786.

or trustees shall give bond with sufficient security, payable to the commissioners of the treasury, for the surplus, after the payment of the several demands as aforesaid, to be paid into the public treasury, for the use of this State, at the time and in the manner specified in such assigned bond or bonds, or such indents as have been paid in: provided always, that any confiscated estate shall only be answerable and liable for the demands against each particular estate.

Jane Linwood  
and William  
Baker.

V. *Be it enacted* by the authority aforesaid, That the amount of the sale of the seven thousand four hundred and seventy-four acres, in the Saltcatcher barony, belonging to Mrs. Jane Linwood and William Baker, Esq. shall be received by the public, and accepted in lieu of the amercement imposed on the said Jane Linwood and William Baker, and that they be relieved from any further amercement.

George Wilson.

VI. *Be it enacted* by the authority aforesaid, That all indents which have been or shall be paid into the treasury for the sales of Doctor James Crockatt's estate, shall be, by said commissioners thereof, delivered over to George Wilson, upon his proving himself to be the legal heir of said Crockatt, in any court of record in this State, on said George Wilson paying an amercement of twelve per centum on said estate.

James Nassau  
Colleton.

VII. *Be it further enacted* by the authority aforesaid, That the said James Nassau Colleton shall be, and is hereby, exempted from all amercements imposed on him by any former Acts of the General Assembly of this State.

Governor and  
Council to ap-  
point two com-  
missioners of  
forfeited estates

VIII. *Be it enacted* by the authority aforesaid, That his Excellency the Governor, by and with the advice and consent of the Privy Council, shall be, and hereby are, authorised and empowered to appoint two commissioners of forfeited estates, one of which to be in the room and stead of John Ewing Calhoun, who has leave to resign; and that said commissioners, so to be appointed, shall, previous to their acting, take the oath and give the security in the manner prescribed by the Confiscation Act, and shall be vested with the same power and authority respectively that any commissioner of forfeited estates heretofore appointed, is or may be; and that on all property that shall be sold, and on all returns of amercements that may be made, after such appointment, the commissions allowed by law shall be equally divided amongst said two commissioners, to be appointed, and Thomas Waring, the present commissioner.

John Bremer.

IX. *Be it enacted* by the authority aforesaid, That so much of the Act called the Confiscation Act as relates to the person and property of John Bremer, be, and the same is hereby, repealed.

Amercement  
suspended till  
January.

X. *Be it enacted* by the authority aforesaid, That the commissioners of forfeited estates be, and they are hereby, authorised and required to suspend any demand against such persons whose estates are amerced, until the first day of January next ensuing.

R. P. Murrell  
and A. Hibbin's  
estates relieved  
from amerce-  
ment.

XI. And whereas, Robert Porter Murrell and Andrew Hibbin, were both favorably reported on by a committee of both houses, in March, one thousand seven hundred and eighty-five, and the payment of their amercement suspended till the present meeting of the General Assembly, since which time both are dead, leaving large families, with but little property to support them; *Be it therefore enacted* by the authority aforesaid, That so much of the amercement law as relates to the said Robert Porter Murrell and Andrew Hibbin, be, and the same is hereby, repealed.

XII. *Provided always*, That the persons hereinbefore named shall pay

all commissions and expenses that may have been incurred in the execution of the Confiscation or Amercement Acts respectively.

A. D. 1786.

XIII. *Be it enacted* by the authority aforesaid, That John Cogdell, Esq. be, and is hereby, appointed and authorised to receive, for the use of Elizabeth Saxby, such rent as is due for the house and lot in Charleston claimed by her, as has not yet been received by the commissioner of forfeited estates, and also all such rent which may become due from the said house and lot.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

AN ACT to incorporate the Vestries and Churchwardens of the Episcopal Churches in the Parishes of St. Bartholomew, St. Helena, and St. John's, Colleton County. No. 1339.

(Passed March 22, 1786. *See last volume.*)

AN ACT TO AUTHORISE THE DELEGATES OF THIS STATE TO SUBSCRIBE AND RATIFY AN AGREEMENT FOR ALTERING PART OF THE ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE UNITED STATES OF AMERICA. No. 1340.

WHEREAS, the United States in Congress assembled have recommended to the several States to authorise their respective delegates to subscribe and ratify an agreement for making the alteration hereinafter mentioned in the articles of confederation and perpetual union between the United States of America, and such alteration is approved by this State;

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the delegates of this State shall be, and they are hereby, authorised and impowered to subscribe and ratify an agreement on the part and behalf of this State, in the words following, viz: "So much of the eighth of the articles of confederation and perpetual union between the thirteen States of America, as is contained in the following words, to wit, 'all charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to or surveyed for any person,

Delegates empowered to ratify the altering part of the 8th article of confederation.

A. D. 1786.

as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint,' is hereby revoked and made void; and in place thereof, it is declared and concluded, the same having been agreed to in a Congress of the United States, that all charges of war, and all other expenses that have been or shall be incurred, for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint."

In the Senate House, the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

*Speaker of the House of Representatives.*

## NOTES.

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*Discount*; p. 76. See index to the third volume. Indents not to be allowed in setoff against duties and taxes; see Ordinance of March 27, 1786.

*Contagious Distempers*; p. 78, 572, 615.

*Small Pox*; p. 106, 182.

*Quarantine Acts*; of March 26, 1784; March 19, 1795; of December 19, 1796, 2 Faust, 98; Act of 1797, 2 Faust, 189; Pamphlet Act, 1809, p. 47; of 1827, p. 59; of 1832, p. 54; of 1833, p. 56. See on this general subject the references in the index of the preceding volume, under title *Contagious Distempers*.

Quere. If the voluntary introduction of the Small Pox ought not to be prohibited?

See also resolution of December 19, 1793, appointing a port physician.

*Insolvent Debtors*; p. 86, 727. See vol. 3, p. 640, 662, 734, 785, 794. See also the County Court Act of March 17, 1785, sect. 39. Also, the Act of the present vol. p. 86. Also, the Act concerning vendues, March 27, 1787, sect. 1. Also, Prison Bounds Act of February 29, 1788, sect. 6. See also Pamphlet Act of 1815, p. 38; repealed by Act of 1823, p. 11. See also Act of 1817, p. 25 and 34. Also, Act of 1836, p. 59.

As to sect. 5 of the present Act, p. 90 of this volume, referring to Act of 5 Geo. 2, ch. 7, (inserted in vol. 2, p. 570 of this work,) I believe it is the only authority in South Carolina for levying on land for debts. In North Carolina, p. 43, of Heywood's reports, the Court decided *against* the levying on land for debt. See 1 Heyw. Rep. 51--58, *Baker v. Webb*, on the point how lands are affected for the payment of debts under 5 Geo. 2, ch. 7, sect. 4. See also, Brevard's title, *Lands*, and the decision on this subject in 4 McCord's Law Reports, 128. See also, *Ram* on Assets, 236. See also the following cases of our own Courts. *State vs. Gee*, 1 Bay, 161. *Wall vs. Court of Wardens*, ib. 429. *Hunt vs. Simons*, 2 Bay, 104. *Fabre vs. Sylstra*, ib. 147. *Mayrant vs. Myers*, 2 Mills, 419. *McLean vs. Hayne*, Tread. 212. *Moore vs. Benbow*, ib. 449. *Tunno vs. Edwards*, ib. 674. *Wilson & Paul vs. Ramsay*, 1 N. & M. 109. *Alexander vs. Gibson*, ib. 480. *Walling vs. Jennings*, 1 McC. 10. *Bingley vs. Smart*, ib. 29. *Lowden vs. Moses & Co.* ib. 120. *Love vs. Lowry*, ib. 181. *George vs. Catherwood*, ib. 339. *Dixon & Co. vs. Vanerara*, ib. 373. *Duncan vs. Brown*, ib. 375. *Porteus vs. Sullivan*, ib. 387. *McElmoyle vs. Florence*, 2 McC. 29. See likewise *Prescott vs. Hubbell*, 2 McC. 64. *Minot vs. Elliott*, ib. 125. *Bamfield vs. Ellard*, ib. 182. *Strover vs. Duren*, ib. 266. *Black vs.*

Shooler, *ib.* 293. Crovat vs. Coburn, 3 McC. 14. Gibson, Falconer & Co. vs. State, *ib.* 45. Mairs vs. Smith, *ib.* 52. Knight vs. Braker, *ib.* 80. Lowden vs. Moses, *ib.* 93. Lowrie vs. Williamson, *ib.* 247. Sheppard vs. Turner, *ib.* 24; (last number unknown.) Pohl vs. Lynah, *ib.* 385. Miller vs. Bagwell, *ib.* 429. Creyton & Sloan vs. Dickerson, 436. (See *explanation* of case of Stover vs. Dunen, 2 McC. 266.) See likewise title "Prison Bounds," in index to 4 McC. And Harth vs. Gibbes, 4 McC. 8. Cameron vs. Wurtz, *ib.* 278. Brown & Overstreet vs. Wallen, *ib.* 364. Man vs. Lowden, *ib.* 485. Hyams vs. Black, *ib.* 508. See Harp. 105, Glenn vs. Loper. Mairs et al. vs. Smith, Harp. 128. State vs. Kenny, 1 Bail. 375. Ex parte Thurmond, *ib.* 605. Thomson vs. Linam, 2 Bail. 131. Thornton & Hodges vs. Ferguson, *ib.* 197. Powers vs. Segur & Ingram, *ib.* 419. Gore & Casey vs. Waters, *ib.* 477. Saunders vs. Bolo, *ib.* 492. Anderson vs. Foster, *ib.* 500. Headman vs. O'Neil, *ib.* 190. Treasurers vs. Bates, *ib.* 363. Walker vs. Briggs, 1 Hill, 118. Cohen vs. Gibbes, *ib.* 206. Aken vs. Moore, *ib.* 432. Cienshaw vs. Wetsel, 2 Hill, 418. Williams vs. Jones, 2 Hill, 431. McLure vs. Vernon, *ib.* 433. Johnston vs. Johnston, 2 Hill, 501. Poole vs. Vernon, *ib.* 667. See likewise the following cases from *Equity Reports*, viz. Lowe vs. Executors of Blake, 3 Dess. 269. Ex parte Perkins, *ib.* 549. Green vs. Alexander et al. 1 Hill Chanc. Rep. 138. Prescott vs. Hubbell et al. *ib.* 212. Niolon vs. Douglass et al. 2 Hill, 443.

*Wills*; evidence on, p. 101. See the British Act of Parliament A. D. 1752, in page 580, of vol. 2 of this work, and the notes in that volume under the title, *Wills*. Also, the index to vol. 3, under the same title. Also, 4 Bacon's Abrid. 331, title *Wills*, as to legatee being a witness: and 2 Bay's Reports, 448. See also Act of 1791, in 1 Faust, 27. Also Pamphlet Laws of 1808, p. 50. Pamphlet Laws of 1823, p. 22. Pamphlet Laws of 1824, p. 24.

*Horses*; against stealing them, p. 177, 284. See vol. 3, p. 603. See also Pamphlet Laws of 1830, p. 33.

*Lotteries*; p. 180. See vol. 3, p. 729, No. 784. Raffles are not within this Act, 2 Mill, 128. By Act of 26th March, 1784, the City Council of Charleston may draw one. An Act to establish certain lotteries therein mentioned, 1794, 1 Faust, 368, and Pamphlet Acts of 1809, p. 51. See also the Act for certain manufactories, and for cleaning out the Savannah river, 2 Faust, 17, 19, A. D. 1795. Presbyterian Church at Charleston, Acts of 1809, p. 54. See also Acts of 1810, p. 60; 1812, p. 45; 1814, p. 65; 1815, p. 68; 1816, p. 31; 1818, p. 52; 1819, p. 54; 1820, p. 15; 1829, p. 5; 1831, p. 52; 1836, p. 87. There are great doubts about the propriety and the policy of encouraging any species of gambling by legislative authority. The best modern opinions are adverse to it.

*Receivers of Stolen Goods*; p. 306. See Pamphlet Laws of 1829, p. 40. See also Act of 3 and 4 William and Mary, ch. 9, 1693. Also Act of 1 Ann, stat. 2, ch. 9, 1701. Also Act of 23 August, 1769, sect. 3.

*Deer*; for the preservation of; see p. 310. And Ordinance of March, 1789, on the same subject.

*Dower*; p. 385. See vol. 2, of this work, p. 736, and vol. 3, index, title *Dower*. See also an Act for reviving and amending several Acts and Ordinances, p. ---

of this volume. Also, County Court Act of March 17, 1785, sect. 46, as to the examining a married woman. Also Act of 22 March, 1786, for the admeasurement of dower. See also Act of 1795, on acknowledgment of feme covert; 2 Faust's Laws, p. 5. A writ of dower, a writ of right, Act of 1799, 2 Faust, 315. See also Pamphlet Laws of 1824, p. 24; of 1825, p. 20; of 1827, p. 72; of 1833, p. 36; of 1834, p. 16.

*Dower*; to obtain measurement of; see p. 385, 742. See the indexes to the two preceding volumes. See Act of 1791, 1 Faust, 27. Act of 1795, 2 Faust, 5. Act of 1799, 2 Faust, 315. Act of 1824, p. 24. Act of 1825, p. 20. Act of 1827, p. 72. Act of 1833, p. 36. Act of 1834, p. 16. See also 1 Equity Reports, 110, 115; 2 Equity Reports, 471; 4 Equity Reports, 638. See the collected cases relating to dower in p. 736, of vol. 2 of this work.

*Coins*; p. 543, their weight and value. See on this subject, pages 72, 94, 162, 179, 563, of vol. 2 of this work. Also the note 708 to 711, in the same volume. Since that note was written, the following useful statements have appeared, which will add materially to the history of Coin and Currency in this State. See Condry Ragnet's Financial Register of September 5, 1838, p. 156.

Memoranda from Mr. Woodbury's Report on Exchanges, of May 28, 1838. Financial Register, vol. 2, No. 10, p. 156.

The American dollar contains 371 1-4 grains of pure silver, or 416 grains of standard silver.

The Spanish dollars are not all of the same weight. Those in circulation in 1829, were said by the director of the Mint to be worth on an average, 100 cents 3 mills.

The Mexican dollars are said to be equal to the Spanish.

The Carolus dollars are the Spanish dollars coined prior to the year 1809, in the reign of Charles III and IV. They are said not to be superior in weight and fineness to the Mexican.

The American eagle of the old coinage, previous to July 31st, 1834, contained 247½ grains of pure gold.

The American eagle of the new coinage, contains 232 grains of pure gold.

The British sovereign when coined, contains 113 18-1214 grains of pure gold, worth, according to our present Mint valuation, \$4 87 7-120 dollars.

The Spanish doubloon should, according to the regulations which have nominally prevailed since the year 1722, contain 376 grains of pure gold, which would be at our present Mint valuation, worth \$16 20. But according to assays made at the London and Philadelphia Mints previous to the year 1829, Spanish doubloons contained only from 360 to 362 4-10 grains of pure gold; this would make their average value at our Mint valuation about \$15 56 3-4.

The patriot doubloons are said to be equal in fineness and in weight to the Spanish. The difference in the price of Spanish and Patriot doubloons, and of the different species of dollars, at New York and Philadelphia, is chiefly owing to difference in demand for them in foreign markets. In the price currents \$4 44 4-9 are assumed as the par of exchange on England. This practice began when the Spanish pillar dollars were in circulation, and when the market value of gold compared with silver, was less than it is at present. The true par varied as the market value of gold varied, when compared with silver. It was estimated by Mr. Gallatin's writing in 1829, at 7 per cent. above the nominal par; by others, at 8 per cent.

Since the passage of the Act of 1834, for reforming the American gold coinage, the true par of exchange with England, estimating gold against gold, is about 9 7-10 above the nominal par.

The quotations of exchange on France, are so many francs and centimes, payable in France for a dollar paid here. According to the regulations of the French Mint, the silver franc should contain 69.453 troy grains of pure silver, equivalent to 18.708 cents in silver currency of the United States. The quantity of pure silver in an American dollar is equal to that in five francs, 34.534 centimes. But as foreign coins are not a legal tender in France, and as a seignorage of about 1 1-2 per cent. is charged on silver coinage at the French Mint, American dollars are said to bring, when sold as bullion in France, on an average not more than five francs 26.250 centimes. This is by some writers assumed as the par of exchange on France. Other writers assume five francs, 34 centimes as about par.

The quotations of exchange on Holland, are so many cents a guilder; on Hamburg, so many cents a mark banco; and on Bremen, so many cents a rix dollar. The exact value of the guilder of Holland is 39.97 cents of United States silver currency; but 40 cents is assumed as the par of exchange. The mark banco of Hamburg, is a money of account equal to 35.144 cents United States currency. The rix dollar of Bremen is a money of account, equal to 80 cents and a very small fraction of United States currency.

Gold coin is expensive from the wear and tear arising from its usage and employment as money. It is also subject to frauds by filing and by sweating, which is the subjecting it for a short time to the action of diluted aqua regia; also to the fraud indicated in the following paragraph copied from the Philadelphia National Gazette of September 20, 1838:

"The gold coin in circulation has now become so light that nearly half the sovereigns presented at the Bank of England are rejected as deficient in weight. By some experiments made at the Mint in July, 1833, it was found that the gold coinage of 1817 had lost in weight 8s. 10d. per cent.; that the coinage of 1821 had lost 9s. 1d. per cent.; that of 1825, 6s. 8d. per cent.; and that of 1829, 3s. 5 1-2d. per cent. This was the loss upon the sovereigns. The loss upon half-sovereigns was still greater. Upon the coinage of 1817, it was 16s. 4d. per cent.; in 1821, 13s. 10d. per cent.; 1825, 13s. 6 3-4d. per cent.; and 1829, 6s. 2d. per cent. The deficiency caused by the mere wear in circulation, is supposed to be much less than that which is produced by the fraudulent practice of sweating. This is done by shaking a number of sovereigns in a bag, a process by which a quantity of gold dust is obtained without defacing the coin. Upon whom the loss will ultimately fall, we do not know; nor do we see in what way it can be avoided. It appears to be an evil necessarily connected with a gold currency."

Our gold coin at the last coinage was regarded as 16 times the value of silver, and altered accordingly, to prevent its exportation. The proportion of 15 7-8, would have been something nearer the then proportional European value of the two metals. Gold coin ought to be taken after being weighed in scales adapted to the Mint bulk of an eagle and half-eagle. Such scales are in common use in Great Britain.

The preceding note, with the antecedent notes on the same subjects, furnish a body of information on the currency of South Carolina, that may aid present and future research.

*Attachment Act*—amended, p. 543. See Index to vol. 3, under this title. See Act of 1799, 2 Faust, 315; Act of 1831, p. 32.

*Vacant Lands*; mode and conditions of surveying them; pages 590, 706, 709. See Acts of 24th March and 12th October, 1785; of March 22, 1786, and two Acts of March, 1787; Repealing Act of 1791, 1 Faust, 61 to 63.

I have made inquiry, but I cannot find any alteration made in the following instructions.

*Deputy Surveyor's Instructions.*

*TO*

1st. You shall not survey vacant land for any person who has not first obtained a warrant from the Commissioner of Locations of the District.

2d. In all your surveys, you are to measure the whole of the lines, unless prevented by such obstructions as may endanger health; the figure of which you are to express on the plat, in the most explanatory manner, blazing the lines, and making a sufficient number of stations on each line, marked on the out-

side ——— and corner tree or stake, at each angle ——— mentioning those

made by you, *new*, and those you find in the field, *old*; and no corner or station is to be inserted by you, unless seen or made by you; except such as are expressed on the bounding line in the authentic plat of the adjacent land: and that you verily believe them to be in the field; also, you are to insert in their proper places, all runs of water, roads, or other durable marks, which the line crosses; and all swamps, ponds, clear fields, and houses, if any there be, in the body of the tract, and the names of the persons claiming such lands, fields, or houses.

3d. All plats made out by you, are to be just and true in the quantity contained, figure, courses, stations, marks and boundaries, to the best of your knowledge: plats of 100 acres, or under, to be laid down by a scale of ten chains per inch; all above 100 acres, by a scale of twenty chains; which scale you are to lay down or mention on the margin of the plats—you are to put down on each line the course and distance—you are to date your surveys on the day they are finished; and not to certify surveys performed by any other person.

4th. The Commissioners of Locations have a right to direct such warrants to the Deputy Surveyors as the nature of the case may require; but the Deputy Surveyor is not bound to pay any obedience to any directions therein contained, which are repugnant to these instructions; and all warrants are to bear date the day they are delivered out of the location offices. Any warrants delivered to any of the Deputy Surveyors, without a date, or any other part blank, are to be immediately returned to the owners, to have the blank filled up in the office from which it issued, and bear date on that day. Any Deputy Surveyor filling up any part of a warrant which is, or may be, left blank by the Commissioner of Locations, is hereby declared guilty of a violation of these instructions, and shall, in consequence thereof, be dismissed from the office.

5th. Lands which have been heretofore surveyed, and remain elapsable in either of the location offices, or Surveyor General's office, are not to be surveyed a second time, until a certificate is obtained from the office (in which they then are) of their being elapsable, and a warrant obtained from the office in the district where the land lies: which warrant shall expressly mention the land on which it is to be laid out, and that it has been formerly surveyed, and for whom.

6th. You are not to encompass wholly, or in part, any heretofore surveyed lands, claimed by any other person or persons than those you are surveying for.

7th. When you are called on to re-survey granted lands, the original grant is your sufficient warrant; but if the line or lines are party lines, and are boundaries to other tracts, then you are to summon all parties to attend with their plats and grants, and to have their joint concurrence in your going on with the survey—if any dissention should arise between the parties, you must not proceed without an order from the Judge of the Court of Common Pleas or Equity, directed to you for the express purpose; and, on receiving said order, you are to attend, first, to the course and marks of the prior grant; and should they differ from the course mentioned, you are to regulate your course by the stationed trees, and other marks, and fix the prior line thereby, (allowing what variation you find,) which will be the proper bounds of both tracts; but should the two tracts run in such a manner as to form an angle between, and the marks on each appear plain, corresponding with each plat, that angle will be vacant, and each tract will be limited by its own lines, notwithstanding the subsequent mentions the prior as a boundary. In re-surveys, when lines vary from their original course, you are (where the marks are wanting) to continue the same variation throughout, in such tracts as were bounded on all sides by vacant land at the time of the original survey; but where they have been bounded on different surveys, you are to allow, on each line, the variation of the lines of the tract on which the line bounded.

8th. When you are called on to survey lands, where the lines are entirely obliterated, then you are to have recourse to the boundaries, which, when fixed, will form the lines of said lands; but if the boundaries were vacant at the time of the original survey of said lands, then you are to have recourse to such lands as bound upon it, whose courses correspond with the lines of said tract, allowing such variation as appears to have proceeded from time. When that allowance is not sufficiently made, you will find the original line on your left hand in all cases, except where a variation happens which is occasioned by a bad instrument; but when the allowance is judiciously attended to, you will find your present course and the original line to agree.

9th. In all cases whatever, you are to administer the following oath to the chain carriers: "You, A B and C D, do solemnly swear, that you will well and faithfully execute the employment of chain carriers, without favor or affection: So help you God."

10th. Should any person wish you to survey lands for the purpose of obtaining a new grant for the same, you will be particular to mention in your certificate, that the land was formerly granted, and that the survey you then made was for the purpose of obtaining a new grant.

11th. You are not to survey any lands or marsh reserved for public purposes, nor cross in any of your surveys, any navigable river or creek.

12th. You will be particular, always, in making your lines; let there be no possibility of mistake hereafter—with a view to this, you will never run more than ten chains, at the extent, without leaving a station exactly on the line, observing never to mark it with the † unless it be a corner post.

13th. In locating lands, you will observe the established principles laid down by the decisions of the Court of Appeals of this State.

14th. You will be particularly careful always to have the best of instruments. Touch your needle with the magnet at least once a year, and oftener if necessary; your staff should be furnished with a ball and socket. There is no excuse for a surveyor going into a field with a bad instrument.

15th. Your chain must be often inspected, and preserved entire.

16th. In plotting, great attention and nicety is required to ensure accuracy—your work must always close neatly—it must never be forced, but carefully revised and corrected. Sometimes, indeed, where great attention is not paid in the first instance, it will be necessary to return to the field, where errors most frequently originate.

17th. Sobriety and steadiness must be observed as well in respect to your men as to yourself, else there can be no reliance upon your work.

18th. In all surveys made by you, by order of Court, the plat you return must be laid down by a scale of ten chains to an inch, and to designate, by dotted lines, each separate tract, if more than one grant.

19th. No plat will be entered in the office for record, without at least one station on every line.

*Pilotage.* Commissioners of Pilotage; p. 597, 621. See titles "Pilots" and "Pilotage," in the index of the former volumes.

*Laws of the State*; a digest of them; p. 659 of this volume, directing a digest of them. See vol. 2, p. 602; vol. 3, p. 158, 785.

*Marriage Contracts and Deeds*, to be recorded in the Secretary of State's office, p. 656. This Act is so inaccurately printed in Grimke's Public Laws, p. 357, as to be very obscure. See amendatory Act of 1792, 1 Faust, 209; Act of 1795, 2 Faust, 95; of 1823, p. 35; of 1832, p. 53. The months mentioned in the Act of 1792, are not lunar months; 2 Treadw. 604. See also 1 Nott & McCord, 444. See pages 120, 137, 161, 733, of vol. 2. See South Carolina Law Journal, p. 358. The case of *Wilson v. De Burt*, in the Court of Appeals, I cannot find reported.

*Vendues*, p. 670. See p. 348. See post, the Act of March 27, 1787, sec. 15; also the Act of Feb. 20, 1788; also Pamphlet Laws, of 1809, p. 16; of 1815, p. 37; of 1823, p. 11; of 1829, p. 1.

*Executions*; sales under them; p. 710. See County Court Act, 17th March, 1785, sect. 11, 34, 35, 38; Act to regulate the payment and recovery of debts, 4th Nov. 1788; 1 Bay's Rep. 213; also, Circuit Court Act of 13th March, 1789.

See also, Act of May 29, 1744, sect. 1, relating to sales of goods made by malefactors committed to gaol.

Also, Act of 1791, 1 Faust, 39 to 42. Act of 1793, 1 Faust, 291. Act of 1799, 2 Faust, 314 to 319. Pamphlet Laws, 1815, p. 32 to 40. Act of 1823, p. 51. Act of 1824, p. 23. Act of 1827, p. 64. Act of 1836, p. 46.

*Beasts of Prey*; p. 726. See indexes to the preceding volumes.

*Confiscated Estates.* As to tender made in 1780, see 1 Bay's Rep. 115, 176.

When confiscation does not affect the widow, 1 Bay's Rep. 73; or the heir, 2 Bay, 20, 536.

As to sect. 12 of the Confiscation Act, (p. 520 of this vol.) declaring deeds to be fraudulent and void—it may be observed that the English statutes declaring deeds to be fraudulent and void, extend only to those persons who were intended to be protected by such deeds; 2 Bacon's Ab. 602.

The Acts in this volume relating to this subject, are the first Confiscation Act, March 28, 1778, p. 425; Feb. 26, 1782, page 516. Act of Feb. 26, 1782, p. 523. Act of March 16, 1783, p. 553; Act of March 16, 1783, p. 553; Act of March 17, 1783, p. 568. Act of March 26, 1784, p. 620. Act of March 26, 1784, p.

624. Act of March 26, 1784, p. 639. Act of March 17, 1785, p. 666. Act of March 24, 1785, p. 687. Act of March 24, 1785, p. 699. Act of March 11, 1786, p. 727. Act of March 22, 1786, p. 740.

*Indents*—p. 745. Receivable for confiscated property, Act of 16th March, 1783; and for vacant lands, sect. 13 of Act of 21 March, 1784; and in public accounts, Act of 26 March, 1784; and for bonds given for confiscated property, Act of the same date as the preceding. Not to be made a set-off against public duties and taxes, Act of 22 March, 1786. Special indents of 1788, 1789; see Act of 4th Nov. 1788, sect. 14, being the Act to regulate the payment and recovery of debts, &c. See also, Act of 1791, 1 Faust, 61, 72, 74. Act of 1801, 2 Faust, 409. See vol. 3 of this work, on set-off; note to No. 705, p. 792, and index to that volume, title *Discount*.

# Index

## TO THE SUBJECT-MATTER OF THE ACTS OF ASSEMBLY CONTAINED IN THIS VOLUME.

N. B. In referring to the Acts chronologically in advance of these volumes, I have consulted the very useful and meritorious "Digested Index" of the Statutes by Mr. RICE.

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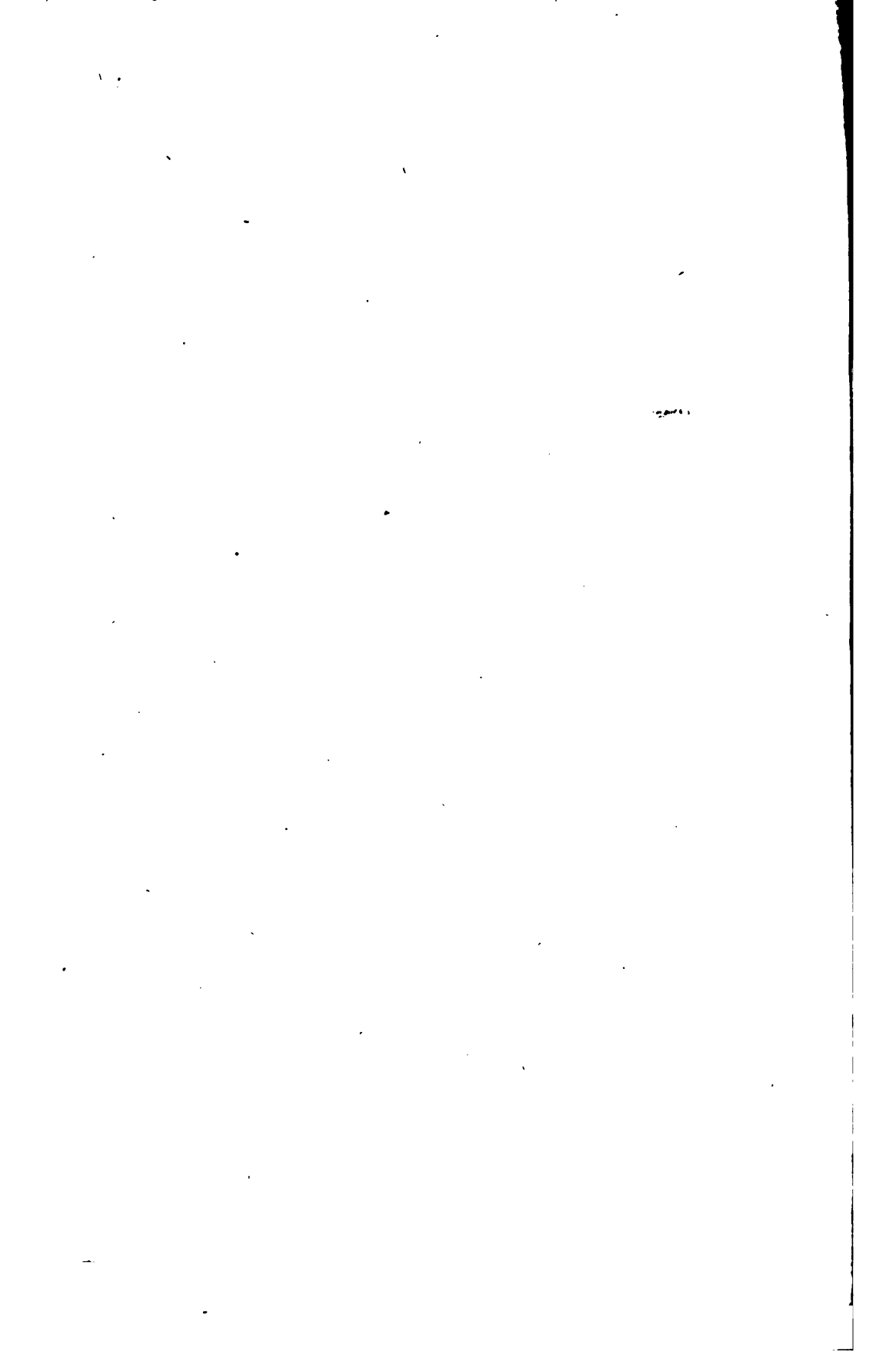




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